



Rousseau

**Of the
Social
Contract**

translation, Richard Crosby

**Allan Bloom: Rousseau's
Political Philosophy**

Copyright ©1978 by King's Court
Communications, Inc. All rights are
reserved. No part of this book may be
reproduced, stored, or transmitted, except
for brief excerpts by reviewers, without
written permission from the publisher.

King's Court Communications, Inc.

Post Office Box 224

Brunswick, Ohio 44212

Library of Congress

Catalogue Card Number 77-95039

.....
ISBN: 0-89139-023-5

INTRODUCTION

The *Social Contract* is Rousseau's most famous book, and perhaps related to this fact is another: it is his most explicitly political work. In 1762, it and the *Emile* were published. The *Emile* was condemned by the *parlement* of Paris and Rousseau fled to Switzerland. Both the *Social Contract* and *Emile* were burned in Geneva, Rousseau's birthplace, and a warrant issued for his arrest if he entered Genevan territory. The controversy that plagued Rousseau after the publication of the *Social Contract* has continued to this day. No French writer has enjoyed so much attention, lavished by political men and scholars. But the *Social Contract* has remained at the center of the ensuing controversy. The French Revolution could claim Rousseau as its patron saint (secularized, of course) and Edmund Burke thought of him as the insane Socrates of the French National Assembly. Napoleon is supposed to have carried a copy of the *Social Contract* with him, having underlined the prediction that Corsica "will astonish Europe."¹ Both Stendahl's Julien Sorel and Flaubert's Monsieur Homais could claim Rousseau as the source of their ideals. More recently, Rousseau's political teaching has been seen as the first statement of the principles of modern totalitarianism.² And in the 1960's the New Left's problematic concern for both individualism and participatory democracy has been traced to Rousseau.³

Even without going into Rousseau's legacy to other philosophers, men as different as Emmanuel Kant and Karl Marx, this brief sketch is sufficient to make the obvious point that there is an immense variety of interpretations of Rousseau's political teaching and to raise the question: what is to be made of a book that can apparently be all things to all men, that gives rise to such incredible diversity of understanding and use?

One possible explanation of this state of affairs is what might be called the creative cop-out. This position holds that great books are works of art which oblige the reader to interpret personally, i.e., to create his own meaning. Such books serve as launching pads for the interpreter's creativity and become something like Rorschach ink blots. This elevation of the creative individual

owes a distant debt to Rousseau himself, and although it entails the denigration of the particularity of the text, such an explanation does account for variety of interpretation, which is a direct function of the variety of “selves” interpreting.

A refinement of this position holds that some books are so rich and multi-faceted that they can be used to support any of a variety of political or moral stances. The most common example of such a book is *the Book*, which being the work of many authors writing at different times (as some, probably impiously, suggest) cannot be expected to yield a single, consistent teaching. But however ambiguously flattering and problematic the comparison between the Bible and Rousseau’s work may be, at least it does place the problem where it belongs, within Rousseau’s writing. Of course, Rousseau alone is the author of all his books which were written over a relatively short period of time. The Biblical analogy does impute to Rousseau great richness and variety but also inconsistency and confusion. The great variety of use and interpretation seen in later generations is then a reflection of Rousseau’s greatness but even more of a greater defect. To explain this defect, historians, biographers and psychologists step forward. Rousseau’s confusion, contradictions, paradoxes are to be expected of a man living at that time, with his peculiar personal problems, even madness. It may be comforting to presume that great and famous men in the past suffer from limitations, problems, vices that we either share or think we have transcended; but it is nonetheless presumptuous. Again, Rousseau himself gives license to such biographical speculations because he was the most personal of philosophers, whose writing after 1762 became more and more autobiographical. But the most revealing and rewarding way of understanding the relation between Rousseau’s personal life and his writings has been stated by Allan Bloom: “Rousseau, the most personal of philosophers, had a way of endowing the incidents of his life with the most general significance, of making them mere reverberations of cosmic conflicts. He tried to represent in his person the deepest problems of humanity. . . . This helps to account for the paradoxical tone of Rousseau’s thought as a whole; it is not a result of his own

complications but of those of human life itself, of which he is only a most revealing reflection due to his peculiar sensitivity to things in their breadth and depth.”⁴

Therefore, rather than assuming that the confusion which characterizes Rousseauian scholarship mirrors confusion in Rousseau’s own works, and then trying to explain that confusion by reductionist historicism or psychology, it is more prudent to begin with what Rousseau himself says about a particular work. In the Forward to the *Social Contract*, he says that it is part “of a more extended work” and that the other fragments of this work no longer exist. Rousseau began to think of writing this larger book, *Political Institutions*, when he was in Venice (1743-1744), eighteen years before the publication of the *Social Contract*. He had been working on the *Social Contract* itself for ten years when it was published.⁵ Thus while he was writing his other major works,⁶ he was thinking about or working on his political treatise.

It might even be said that during this period, politics was the subject of his primary concern. “Of [my] different works . . . the one that I thought longest about and on which I worked with the greatest liking and wanted to work all my life, and which I thought must place the seal on my reputation was my *Political Institutions*.”⁷ Rousseau goes on to give the reason for the primacy of this political work (of which only the *Social Contract* remains). “[After my stay in Venice, 1743-1744] my views were greatly expanded by the historical study of morality. I had seen that everything was radically connected with politics, and that . . . no people would ever be other than what the nature of its Government makes it. Thus this great question of the best Government possible seemed to me to be reduced to this: what is the nature of Government suited to forming the most virtuous, the most enlightened, the wisest, the greatest (taking this word in its highest sense) People.”⁸

Given the crucial importance that Rousseau here assigns to the subject of politics (and thus to his *Political Institutions*), it is odd that he completed only one fragment and even odder that he did not include this fragment, the *Social Contract*, among his “three principal writings, namely the first discourse, the one on equality,

and the treatise on education, which three works are inseparable, and form a single whole.”⁹ What then is the relation of the *Social Contract* to his three principal writings? It is tempting (though too simple) to say that the *Two Discourses* and the *Emile* constitute his “historical study of morality” which expanded his views and led him to see “that everything is radically connected to politics,” which in turn forced him to raise the “great question of the best Government possible,” the question dealt with in the *Social Contract*. This is too simple for at least two reasons. The three principal works are not merely preparations for the *Social Contract*, and they are not simply about morality while the *Social Contract* is about politics. The *First Discourse* is a criticism of the Enlightenment from the standpoint of citizen virtue. The *Second Discourse* ends with a provisional discussion of the social contract and the *Social Contract* itself harkens back to that work.¹⁰ And the *Emile*, a treatise on education, contains a summary of the *Social Contract*. What Rousseau says of the *Social Contract* in relation to the *Emile* might be said of its relation to the *Two Discourses*: “[it] should be considered as an appendix to it” and “together [they] make a single whole.”¹¹

If one follows the “thread” that runs through his three principal writings, one will see “the development of [this] great principle that nature has made man happy and good but society corrupts him and makes him miserable.”¹² This formulation calls into question the possibility of a political solution to the human problem. “Man was born free, but everywhere he is in chains.”¹³ Rousseau confines himself in the *Social Contract* to legitimating these chains not removing them. At best the “principles of political right” discussed in the *Social Contract* may minimize the corruption wrought by society and approximate that natural happiness and goodness which is no longer fully recoverable. Because the “great principle” elaborated in the *Two Discourses* and the *Emile* is not susceptible of a complete political solution, those works remain his “principal writings” and the *Social Contract* an appendix. This might also be the beginning of an explanation of the (necessary) incompleteness of *Political Institutions* and of the fact that Rousseau turns to

autobiographical writing, to reveries of a solitary walker, in order to present an alternative to the political (obviously a radically individualistic alternative open only to a very few).

In part because of the problem of the status of politics, the *Social Contract* is a difficult book. "Very paradoxical ideas and maxims [are to be] found there . . . and even contradictions. . . . Such books are not, like those of today, collections of separable thoughts upon each of which the mind of the reader can rest. [These meditations] demand a concerted attention which is not to the taste of our nation."¹⁴ To understand Rousseau's "system," to penetrate his paradoxes and apparent inconsistency, careful readers are necessary.¹⁵ If someone thinks that he has found a contradiction between the *Social Contract* and other of Rousseau's statements, "that proves that there are even more readers who ought to learn to read than authors who ought to learn to be consistent."¹⁶

Special care is necessary when reading the *Social Contract* not only because of the complexity of the subject matter but also because of three other characteristics of this work. First, it is Rousseau's least personal and most abstract book. ". . . Rousseau's *Social Contract* [is] his least eloquent and impassioned work dealing with moral and political matters. As soon as it appeared, it acquired the reputation of being a most abstract and difficult work. Rousseau fully expected this . . . Its abstract character, he tells us elsewhere, permitted him to treat political issues boldly."¹⁷ Second, the terminology Rousseau uses is often difficult (most obviously, the mathematical expressions in Book III), and he also gives old words new meanings. "Learn my dictionary, if you want to have us understand each other. Believe me, my terms rarely have the ordinary sense."¹⁸ Words like "government," "prince," "sovereign" acquire different meanings. Early in the *Social Contract*, Rousseau complains of the inadequacy of the language he must use and begs readers not to accuse him of apparent contradiction because of the terms used.¹⁹

A third problem confronts even the best intentioned reader when he has to read the *Social Contract* in translation. If Rousseau's "dictionary" is crucial, if he is infusing old words with

new meanings, it is necessary that a translation try to render his words as literally as possible. That is the goal of this translation.

The French text used for the translation is the 1762 edition found in the definitive *Oeuvres Complètes*.²⁰ Notes and major changes made by Rousseau for the 1782 edition are incorporated; footnotes indicate that they are from that edition. The apparently willful capitalization is Rousseau's. Within paragraphs, some long sentences are broken into shorter ones and punctuation is updated. All of Rousseau's Latin and Italian quotations are translated into English with the original language indicated in the translator's footnotes. These footnotes are for the most part confined to citing books to which Rousseau refers or alludes. Historical events and figures are not explained.

Insofar as possible, words repeated in the French text are translated by the same English word.²¹ The word "moeurs" has been left untranslated. Its closest English cognate is "mores" but because of its technical sociological meaning today, it has not been used. Other possible English words, e.g., morals, manners, character, all capture but a part of Rousseau's meaning which can best be understood from the context in which the word is used (see especially, Book IV, chapter VII, pp. 91-92 *infra*).²²

The objective, quite simply, has been to provide a translation which places as few obstacles as possible between the reader and Rousseau. A major obstacle is a translator who thinks he knows what Rousseau means and therefore "helps" the reader by explaining under the guise of translating. Such temptation has been resisted so that the reader can have some assurance that the difficulties he encounters are those with which Rousseau meant to confront his "attentive reader."

FOOTNOTES TO THE INTRODUCTION

¹*Social Contract*, Book II, chapter x, p. 35 *infra*.

²J.L. Talmon, *The Rise of Totalitarian Democracy* (Boston, 1952).

³Walter F. Berns, "The New Left and Liberal Democracy" in *How Democratic is America?*, Robert A. Goldwin, editor. (Chicago, 1969), pp. 17-38.

⁴J.-J. Rousseau, *Politics and the Arts*, introduction by Allan Bloom (Glencoe, 1960), pp. xiv and xvii.

⁵J.-J. Rousseau, *Les Confessions* in *Oeuvres Complètes*, volume 1 (Paris, 1959), p. 404 and *General Correspondence*, volume VIII (Paris, 1924-34), p. 64. Cited in Roger Masters, *The Political Philosophy of Rousseau* (Princeton, 1968), p. xii.

⁶*The First Discourse: On the Sciences and Arts* (1750); *The Second Discourse: On the Origin and Foundations of Inequality* (1753); *Emile or on Education* (1762).

⁷*Les Confessions, Oeuvres Complètes*, volume I, p. 404.

⁸*Op. cit.*, pp. 404-405.

⁹Rousseau to M. de Malesherbes, *Oeuvres Complètes*, volume I, p. 1136. Cited in Masters, *op. cit.*, p. xiii.

¹⁰Book I, chapter vi, p. 9 *infra*.

¹¹*General Correspondence, op. cit.*, volume VII, p. 233. Cited in Masters, *op. cit.*, p. xiii.

¹²Rousseau *Juge de Jean Jacques, Oeuvres Complètes*, volume I, p. 934.

¹³*Social Contract*, Book I, chapter I, page 2, *infra*. cf. the concluding words of Marx and Engels, *The Communist Manifesto*.

¹⁴Rousseau *Juge de Jean Jacques, Oeuvres Complètes*, volume I, p. 932.

¹⁵"Common readers, pardon my paradoxes: they must be made when one thinks seriously; and, whatever you may say, I would rather be a man of paradoxes than a man of prejudices." *Emile*, Book II. Cited in J.-J. Rousseau, *The First and Second Discourses*, Roger Masters, editor (New York, 1964), p. 25.

¹⁶Cited in Masters, *ibid.*, p. 26. Also see *Social Contract*, Book II, chapter IV, p. 20 *infra* and Book III, chapter 1, p. 38 *infra*.

¹⁷Hilail Gildin, "Revolution and the Formulation of Political Society in the *Social Contract*," *Interpretation*, volume 5, #3 (Spring, 1976), p. 285.

¹⁸Quoted in Rousseau, *The Social Contract*, introduction by Maurice Cranston (Baltimore, 1968), p. 30.

¹⁹*Infra*, p. 20 (Book II, chapter IV).

²⁰Volume III, Editions Gallimard (Paris, 1964), pp. 347-470.

²¹For example, the French word "force," which often means strength, has been translated as force throughout. "Particulier" when used as a noun has been translated as individual; when used as an adjective, as particular. "Le peuple" is singular. In English the people is plural and has been so rendered. "Chef," which might be translated chief or leader, has been translated "ruler" throughout, and is the only word so translated.

²²For the problem of translating this word see Allan Bloom, *op. cit.*, p. 149.

JEAN-JACQUES ROUSSEAU

1712-1778

A. Bloom

Rousseau begins the *Social Contract* with the celebrated words: "Man was born free, and everywhere he is in chains. . . . How did this change come to pass? I do not know. What can make it legitimate? I believe I can resolve this question." With this statement he poses the political problem in its most radical form and at the same time suggests the revolutionary principle that almost all existing regimes are illegitimate. Civil society enchains man and makes him a slave to law or other men whereas he was, as man, born to freedom, to the right to behave as he pleases. What is more, civil society, as it is now constituted, has no claim on the moral adhesion of its subjects; it is unjust. Rousseau's political thought points away from the present in both directions: to man's happy freedom of the past and to the establishment of a regime in the future which can appeal to the will of those under its authority. It is the task of the philosopher to make clear what man's nature truly is and, on this basis, to define the conditions of a good political order. Rousseau's thought has an externally paradoxical character, seeming at the same time to desire contradictories—virtue and soft sentiment, political society and the state of nature, philosophy and ignorance—but it is remarkably consistent, the contradictions reflecting contradictions in the nature of things.¹ Rousseau undertook to clarify the meaning of modern theory and practice, and in so doing he brought to light radical consequences of modernity of which men were not previously aware.

Modern politics, according to Rousseau, are based on a partial understanding of man. The modern state, the Leviathan, is directed to its own preservation and, consequently, to that of its subjects. It is, hence, totally negative, taking into account only the condition of happiness,

life, while forgetting happiness itself. Any political system which takes into account only one side of human existence cannot satisfy men's longing for fulfillment or call forth their full loyalty. And it is further Rousseau's argument that the modern state based on self-preservation constitutes a way of life precisely contrary to that which would make men happy. The life of the big nations is characterized by commerce and, consequently, by the distinction between rich and poor. Each man can pursue his gain within the framework laid down by the state. Money is the standard of human worth, and virtue is forgotten. Calculation of private advantage is the basis of human relations; this may not lead to perpetual war, but it destroys the foundations of trust and easy sociability and leads to selfishness and poor citizenship. But, most of all, because there is scarcity and the needs and desires of all men in society cannot be satisfied, the rich are protected and the poor oppressed. Civil society is a state of mutual interdependence among men, but the men are bad and the majority are forced to give up their own wills to work for the satisfaction of the few. And, since these few control the laws, the many do not even enjoy the protection for which they are supposed to have entered into society. The result of the oversimplified and one-sided concentration on preservation is the destruction of the good life which is the only purpose of preservation.²

This is the basis of Rousseau's attack on the Enlightenment. The progress of the arts and sciences was believed to be the condition, perhaps the sufficient condition, of a progress of civil society and of an increase in human happiness. Prejudice would be vanquished by learning, manners softened by the arts, nature conquered by science. Sound government could be assured by grounding it on the passions of those who take part in it. The hopes of the Enlightenment are those of modern man, according to Rousseau, and it is the picture of human society painted by the Enlightenment that is the starting point for his revolution in political thought. Rousseau not only denies that progress in the arts and sciences improves morality but asserts, on the contrary, that such progress always leads to moral corruption. The arts and sciences require an atmosphere of luxury and leisure in order to flourish. They themselves emerge, in general, from vices of the soul; at best idle curiosity is their source, and most often they come from the desire for unnecessary comforts which only weaken men and satisfy unnecessary wants. The society dominated by the arts and sciences is one full of inequality, both because the talents needed to pursue them become grounds of distinction among men, and because great sums of money are needed to support them, as well as workers to man the implements devised by those arts and sciences. Society is transformed to support the arts and the sciences

and their products, and this very transformation creates a life full of vain self-regard and injustice.³

The first stage of Rousseau's reflection leads to admiration of the past. The situation of modern man is new, but in classical antiquity models of civil society can be found in which men were free and governed themselves. The old republic, the *polis*, above all Sparta, was the refuge of real men and provided long periods of peace, stability, and independence. Rousseau revives the quarrel between the ancients and the moderns in restating the case for the ancient city. That city was not founded on comfort, self-preservation, or science but on virtue—the science of simple souls. Virtue in the classic sense meant good citizenship and the qualities that necessarily accompany it. Only on the basis of courage, self-sacrifice, and moderation can a city in which the great majority govern themselves be founded. Rousseau is a republican; he is a republican because he believes men are naturally free and equal. Only a civil society which is a reflection of that nature can hope to make men happy. The requirements of a free society were best met by the Greek cities and Rome, although they were not perfect, and Rousseau's ultimate solution is an improvement upon them. They were small so that everyone could know everyone else and hence have both common interests and trust. They were governed by the people so that the rulers and ruled were one and the same; there were thus no fundamental differences of interest between governors and governed. The laws were of ancient date and men grew used to their heavy weight by force of long habit. The rule of law is necessary to civil society, and just laws require a stern moral code to support their burden equally; only strict mutual surveillance and habits of justice can ensure their operation. The primary consideration of the government is the virtue of the citizens. The civil society which is to function as a society must be a unity in which the individuals give up their private wishes for the sake of the whole. Society cannot be conceived of as the balance of conflicting interests if men are to be free and not the pawns of interest groups in power. Not enlightenment but severe moral education is the prerequisite of sound civil society. Rousseau's taste and his analysis of the injustice of modern society lead him back to Greece.⁴

But he is led even further. His teaching is not merely a revival of those of Plato and Aristotle. If he admires the practice of antiquity, he does not accept its theory. No political teaching can suffice which merely describes how to construct a stable order or how to make the citizens content. It must also legitimate the authority exercised by the government; it must state the grounds of the citizen's duties and rights. The central political question is always: What is justice? and this leads

necessarily to the question: What is natural? For, outside the limits of the positive law, when the problem is to found or reform a regime, the only standard can be nature and, more specifically, the nature of man. And it is concerning this question that Rousseau differs from his predecessors, or, rather, he joins the moderns in their denial that man is by nature political. Following the current of modern science in general, as well as of political science, Rousseau rejects the notion that man is directed by nature toward an end, the end of political life. The city or the state is a purely human construction originating in the desire for self-preservation. As such, man is conceivable without political society, although in this later age it may have become necessary for him.

Justice, as it can be seen in nations, consists in maintaining the privileges of those in positions of power. All known states are full of inequalities of birth, wealth, and honor. These inequalities can perhaps be justified in terms of the preservation of the regime, but that does not make them more tolerable for those who do not enjoy them. The laws institute and protect these differences of rank. If there are natural inequalities, those existing in the nations do not reflect them; they are the results of human deeds and of chance. They cannot be morally binding on those oppressed by their weight.

If civil society is not natural, then one must go to a time prior to civil society to find man as he is naturally. This investigation is necessary in order to determine the origins of the state; if civil society is not natural, it is conventional; therefore, if there is to be any legitimacy in the laws of civil society, its conventions must be founded on that first nature. Rousseau makes an attempt to describe man in the *state of nature*. Other modern thinkers who agreed that civil society is conventional tried to do the same thing and to ground political right on a prepolitical natural right. But, according to Rousseau, they never succeeded in reaching the primitive state of nature. They were not radical enough in their own rejection of the naturalness of civil society. They denied that attachment to the common good and the political community are parts of human perfection, and they tried to derive the rules of politics from the individual unattached to any state. But they, in describing that individual, described in fact the man living in civil society. They were cryptoteleologists in the sense that they tried to understand man as he is naturally from the point of view of his complete development in civil society. But, if man is truly not a political and social being, then his nature must have been transformed in order for him ever to have come to the point where he could live in civil society. The earlier thinkers, in stripping man of his social nature, saw in him many characteristics which are results of communal living, for example, envy,

distrust, unlimited desire for acquisition, and reason. To know the natural man requires an almost superhuman effort of the mind, for we have no contact with him, we are civilized men worn by the corrosion of civil society.

There is a road from natural man to civil man, and the passage of that road is not like that from embryo to man where the first step is directed to the last and illuminated by it. The movement is not a necessary one, so we are in need of a history of the human species. For the first time, history becomes an integral part of political theory. Man is a different being at different epochs, although for Rousseau he still has a primeval nature which dominates all transformations brought about by time. Rousseau's awareness of the disproportion between natural man and civil man, which is implied in a rejection of the naturalness of civil society, forces him to an investigation of primitive man. The other teachings which do not discover the truly natural lead only to a deeper enslavement to the vices engendered by civil society. The investigation he undertakes proceeds in two ways: the first is by means of what we would today call anthropology. The primitive, which was formerly despised as inferior and imperfect, now seems to throw light on that earlier period and hence becomes an object of serious scientific interest. But, because the so-called savages or primitives already live in societies, they are no more than signposts on the road back. More important is the second way: introspection to uncover the first and simplest movements of the human soul.

Since man is not primarily political and social, he must be divested of all qualities that are connected with life in a community if we are to understand him as he is by nature. The first and most important of these is reason. Reason depends upon speech, and speech implies social life. Hence, the definition of man can no longer be that he is a rational animal. At first one can say only that he is an animal like other animals. He roams the forest in search of nourishment. He seeks to preserve his being, but he is not a ravenous beast naturally hostile to every other member of his species as Hobbes understood him to be. Hobbes could only assert this by attributing to the first men the unlimited desires of political man. Actually this first animal-man has only the simplest needs of the sort that are usually easily satisfied. He cannot think far into the future. He is not frightened of death because he cannot conceive it; he only avoids pain. He has no need to fight his fellow creatures except when there is a scarcity of the bare necessities. He is idle by nature and stirs himself only to satisfy his natural wants. Only a being with foresight who has needs beyond the natural seeks wealth. Locke's industrious natural man is also a construction drawn from already

developed society. It is in this idleness that the true pleasure of the animal is enjoyed; he senses the sweetness of his own existence. He has only two fundamental passions: the desire to preserve himself and a certain pity or sympathy for the sufferings of others of his kind. The latter prevents him from being brutal to other men when such "humaneness" does not conflict with his own preservation. He has no virtues because he needs none. One cannot say that he has morality; whatever he does, he does because it pleases him to do so. But he has a certain goodness; he does no harm.

Considered in this way, it may be said that all men are by nature equal. They have, practically speaking, only physical existences; if there are differences in strength, they have little meaning because the individuals have no contact with one another. From man's natural state can be derived no right of one man to rule another. The right of the stronger is no right, first, because the enslaved can always revolt in his turn; no moral obligation is established by a stronger man subjugating a weaker one. Second, one man could never enslave another in the state of nature because men had no need of one another, and it would be impossible to hold a slave. Nor does the family provide a source for political right because in the state of nature there is no family. The relations between man and woman are casual, and the mother instinctively takes care of the children until they are strong enough to fend for themselves; there is no authority or duty involved. The state of nature is a state of equality and independence.

There are two characteristics which distinguish man from the other animals and take the place of rationality as the defining quality of humanity. The first is freedom of the will. Man is not a being determined by his instincts; he can choose, accept, and reject. He can defy nature. And the consciousness of this liberty is the evidence of the spirituality of his soul. He is aware of his own power. The second, and least questionable characteristic of man, is his perfectibility. Man is the only being which can gradually improve its faculties and pass this improvement on to the whole species. All the superior faculties of the mind seen in civilized man are proofs of this. They are now a permanent part of the species, but they did not belong to it naturally. On the basis of these two fundamental characteristics of man, it can be said that natural man is distinguished by having almost no nature at all, by being pure potentiality. There are no ends, only possibilities. Man has no determination; he is the free animal. This constitution leads him away from his original contentment toward the misery of civil life, but it also renders him capable of mastering himself and nature.

Natural man, then, is a lazy beast, enjoying the sentiment of his own existence, concerned with his preservation and pitying the sufferings of his fellow creatures, free and perfectible. His motion toward the civilized state is a result of unforeseeable accidents which leave unalterable marks on him. He is forced into closer contact with other men by natural catastrophes. He develops speech and begins to maintain a permanent establishment with his woman and children. He is softer and his needs are now greater, but his existence is intrinsically pleasant. There are, as yet, no laws, no state, no inequality. The needs of men are not such as to make them competitors. But men have at last become dependent on one another, and the first experiences of cooperation or common ends bring to consciousness what obligation or morality might be. Man's freedom still comes first, and he can withdraw from any engagement he might have made when it is to his advantage; but he also sees the advantage in getting help from others and the necessity of doing his share if he is to receive in kind. However, he is still so independent as to be unwilling to sacrifice any of his freedom in order to guarantee the fulfillment of contracts.

In addition to the first consciousness of moral obligation, man in this new communal situation begins to practice vengeance. Because men are in daily contact with one another there is more occasion for friction; and, because there is no law, each man is judge in his own case. The natural pity which was the root of humanity in the state of nature is weakened as a result of the conflict between self-love and pity; in any such case the former always wins. But it is not these battles which cause men to form civil society; it is the foundation of private property. The founder of political society and the man who brought the greatest evils to mankind was the first who said, "This land belongs to me." The cultivation of the soil is the source of private property. Only what a man has made or that to which he has added his work can in any sense be said to belong to him. With the foundation of private property forethought also arises. When the fields and streams of themselves provided nourishment, clothing, and housing, man did not think to the future. But the farmer must do so, and the desire to increase and protect his crops both multiplies his desires and causes him to seek power.

And, further, in the foundation of private property, we have also discovered the origin of inequality. For different men have different skills and talents which enable some of them to increase their possessions. Soon all available land is enclosed, and some have more than they need, others less. Men recognize property as something real, but their own need is also something real. There is no judge between these

different claims, and there is no natural law to resolve them because the situation is man-made, not natural. A state of war necessarily ensues between the haves and the have-nots.

At this stage man has developed all his powers, and he has made himself miserable. The greatest change in his nature is that formerly he lived entirely for himself within himself. Now he lives for others, not only because he is physically dependent on them but because he has learned to compare himself with them. His soul has become enslaved to other men, and this is more of a bond than his need of them to help him satisfy his desires. He seeks money and honor instead of reflecting on his real wishes. Man has become vain, and in the search to gratify that vanity there are endless sources of quarrel. Vanity (*amour-propre*) has taken the place of the original self-love (*amour de soi*); instead of physical desires which must be appeased, he is now possessed by infinite yearnings for possessions he can never use and a glory he despises as soon as it is gained.

It is now that someone among the rich, aware of the constant danger to his property and the wretched condition of the people, suggests a contract for the establishment of civil society. This clever man sees the possibility of guaranteeing his questionable right to property by the consent of other men and of maintaining peace by a mutual pact to protect each and all against aggression. The natural passion of pity has been extinguished, and the only substitute for it in the new conditions is a morality defining men's duties, backed up by a recognized authority. Nature no longer suffices. The frightful state of war makes this step necessary and ensures the acquiescence of the poor. But it is a swindle. The rich give an appearance of legitimacy to their control of their property and are able to enjoy it peacefully. The inequality which has gradually come into being is made lawful, and the oppression of the poor is maintained by public force. Hobbes is right when he says that the men who are constrained to found civil society are hostile to one another and afflicted by infinite desires. He is wrong only in asserting that this is the nature of man. There was an earlier state which defined the essential character of man's freedom and which makes it impossible for him legitimately to deliver himself over to the will of anyone else. Locke is right when he asserts that the purpose of civil society is to protect property. He also is wrong only in asserting that property is natural to man, and that the inequalities stabilized by civil society conform to real standards of justice. Every man has a natural right to preserve himself and to act in accordance with this right. Civil society has no natural ground to legitimate a command which contradicts the natural right. But all civil societies issue such commands; natural right

cannot be their legitimation. Man is naturally free, and civil society takes his freedom away from him; he is dependent on the law, and the law is made in favor of the rich—at least in its origin it was meant to favor them.⁵

So the political problem is posed in the presentation of the history of its birth. Man, free by nature, needs government to organize and regulate the life in common to which he has become committed. But precisely because he has developed terrible passions which necessitate government, a just government is rendered factually difficult because the men who form the laws are under the influence of those passions, and the citizens continue to possess those passions and have every interest in altering the government for the sake of their satisfaction. Only the most severe moral education can obviate this difficulty, a moral education almost never to be found. And, from the point of view of right, civil society demands a devotion to the common good, a subordination of the individual to the whole, while man by nature is a selfish, independent animal. At any point where he senses a conflict between society and himself he is naturally and properly motivated by his selfish interest. How can civil society rightfully call upon a man to sacrifice himself for it? How can one selfish individual demand that another obey him? No contract can bind to the point of sacrificing that for which it was made, and no man willfully contracts away the freedom which is the core of his being.⁶

Civil society cannot be grounded on natural right; nature dictates only self-interest. Nature is too low to comprehend civil society; the study of nature leads to its rejection as the standard, at least for society. This was what Rousseau's predecessors had not understood, according to him. Civil society requires morality because man's natural character does not suffice to bind him, *in foro interno*, to the more stringent demands of political life, and his newly inflamed passions make him even less fit for society. A society which was based on each man's calculation of his interest would only cause those passions to develop further, for his interest is already determined by his passions, and would lead inevitably to tyranny or anarchy. Hence, since morality is not natural to man, he must create it. It is the basis for this project that Rousseau sets down in the *Social Contract*; in it he tries to resolve the problem posed by the conflict between the individual and the state, or self-interest and duty. Nothing can bind man's freedom, but civil society is bondage. The act of establishing civil society is identical with that of establishing morality or binding commitments to others. Since nature does not provide the basis for the agreement, it must be a convention. Traditionally, conventions were considered to be of a lower order than natural laws,

precisely because they are man-made and changeable; conventions differ everywhere and seem to be the result of arbitrary will and chance. The man who obeys convention would seem to be the prisoner of other men. But, if man is free, his capacity to make conventions is the sign of that freedom; his will is not limited by nature. To this extent, man the maker of morality and the state is the fulfillment of the notion of man as the free, undetermined being. If the simply arbitrary character of conventions could be avoided, then one could say that a conventional civil society is at once the fulfillment of man's nature and worthy of his respect and obedience.

As Rousseau puts it in his own forceful formulations: "[The difficulty is] to find a form of association which defends and protects with all the common force the person and the goods of each associate; by which each, uniting himself to all, obeys nevertheless only himself and remains as free as before."⁷ The solution is that every man give himself entirely to the community with all of his rights and property. The deposit is made with the whole, with no individual; in this way no one puts himself into the hands of another. The contract is equal, for each gives all. No one reserves any rights by which he can claim to judge of his own conduct; hence there is no source of conflict between individual and state, for the individual has contracted to accept the law as the absolute standard for his acts. The social contract forms an artificial person, the state, which has a will like the natural person; what appears necessary or desirable to that person is willed by it and what is willed by the whole is law. Law is the product of the *general will*. Each individual participates in legislation, but law is general, and the individual in his role as legislator must make laws which can conceivably be applied to all members of the community. He makes his will into law but now, as opposed to what he did in the state of nature, he must generalize his will. As legislator he can only will what all could will; as citizen he obeys what he himself willed as legislator. Although men of diverse tastes and understandings go to make up the sovereign legislative body, none can impose his will on the others unless the others could have willed it themselves. The law is produced by the will of each thinking in terms of all. The primary function of the social contract is to constitute a regime which can express the general will.

Civil society is simply the agreement among a group of men that each shall become a part of the general will and be obedient to it. As a result, each remains as free as he was before, because he obeys nothing but his transformed will. The conventional liberty of civil society satisfies the primary natural right of man—freedom. As long as the society

is organized so that the laws can be made impersonally, no man can make a claim against it on the basis of natural right. Man in the state of nature had a right to all that he willed; neither the will nor the reason of other men could legitimately issue commands to him. There is no eternal reason which can and should control our actions. Each man has his own judgments based on his personal experience and affected by his particular will. This fact is reflected in the notion of the general will; man is a being who wills, and the capacity to do what he wills is the essence of freedom. Willing is, as such, independent of what is willed. The natural law, or any other rational command directed toward the common good, is a limitation on freedom drawn from a questionable source. Therefore, the general will contains no specific directives; it can determine itself to do whatsoever occurs to it; it is in itself empty; it is pure will. This is another aspect of the preservation of the natural freedom. The general will is formal, and the only thing which distinguishes it from the particular will is that it can only will what all could conceivably will. This sets some limitation on what society as a whole can do, as opposed to the complete license of nature, and Rousseau believes that these purely formal limitations are sufficient to guarantee decency, or that the generalized will is in itself moral. He considers that he has discovered the true principle of morality that others had only sensed and had tried to base on dubious and arbitrary interpretations of nature or on revealed religion. Man's freedom, which seems to be independent of, and opposed to, moral rule is the sole source of morality. With this discovery, Rousseau completes the break with the political teaching of classical antiquity begun by Machiavelli and Hobbes. His immediate predecessors had maintained the notion of natural law which limited the human freedom which they themselves taught.⁸

The movement from the natural state to the civil state produces a very great change in man. Formerly he was an amiable beast; now he has become a moral being. All of his capacities come into play, his ideas are developed and extended, and his sentiments are ennobled. In the state of nature man acted only from instinct; now he must consider his action in relation to principle so that the words *choice* and *freedom* take on a moral sense. If a man continues to act according to his private will, he can be said to degrade himself to the level of the animals. He gives up his freedom, both in the sense that he is a mere tool of his passions and in the sense that he destroys the possibility of a just society and hence puts himself in the power of others. Society is justified, therefore, in forcing him to be free, in constraining him to exercise his will in the

proper way. Education and punishment are the instruments of this constraint. But the truly human dignity emerges in the conscious choice of the general will over the private.

The social contract constitutes the sovereign. Rousseau uses the term "sovereign" to indicate that the source of all legitimacy is in the people at large as opposed to the monarch or the aristocrats or any other segment. There must be a government, and it may be monarchic, aristocratic, or democratic, but its right to rule is derived from the people and exercised only so long as it pleases them. Since nature and revealed religion have been set aside, only the voice of the people can establish law; every enactment must return to them, to their will. The will of the people is the only law. The government is obedient to the law alone, and each citizen is constantly a member of the lawmaking body. Every citizen finds himself in a double relation to the state, as a lawgiver, in so far as he is a member of the sovereign, and as a subject of the law, an individual who must obey.

Several consequences follow from the fact that the sovereign is the only source of legitimacy. In the first place, sovereignty is inalienable. No man or group of men can be given the right to make laws in the place of the citizen body at large. They would be acting according to their individual wills, and their enactments would not be binding. This means that representative government is a bad form of government. Others take the responsibility from the citizens, and they lose their citizen virtue as well as their freedom. If a nation is so large that the citizens cannot hope to meet in a common body, then representation becomes an unfortunate necessity, a necessity which weakens the expression of the general will. If any legitimacy is to be preserved in such a case, the representatives must be elected by local assemblies in which all citizens meet, and the representatives must be given complete instructions. They must have no independent judgment, and for every new question which arises they must return to those who elected them. Otherwise there is no general will. The general will requires constant consultation.⁹ It can be consulted only by vote, so that the system suggested by Rousseau turns out to be majoritarian. But it is not a simple majoritarianism; the laws can only be properly instituted if the citizens possess the virtue to suppress their private wills. The individuals must be citizens in the classical sense, and this requires a very severe, self-imposed morality. Rousseau is not a libertarian in the modern sense of the word; every man cannot live as he likes, for that would end the possibility of agreement and destroy the sources of the moral energy necessary to self-control. Rousseau despised democracy as it is usually practiced because it means a wild anarchy of self-interest. A formalistic insistence on the

vote of the people is meaningless without the establishment of its moral preconditions. Sparta was right in its concentration on the habits of its citizens as over against the modern laxity which leaves the private life to the individuals. The tastes and manners of the citizens affect all their judgments, and certain habits make free government altogether impossible. Rousseau re-establishes the Greek city but brings to light the true principle which motivated its insistence on austere virtue: virtue is not itself the end; it is a means to freedom.

Moreover, in addition to virtue, the expression of the general will must be guaranteed by the suppression of faction. Each citizen alone cannot hope to have his private will prevail and recognizes that if everyone voted according to his passions there would be no order. It is only when he belongs to a group large enough to influence the vote decisively that his private will overcomes his sense of the general will in seeing what he personally can gain. Thus, parties must be forbidden, and extremes of wealth and poverty must be prevented. In so far as possible, informed citizens must vote as individuals, and the result of such a vote can be considered a general will.

Rousseau was aware of the tension that exists between the stability that law requires and the constant reconsideration implied in the assembly of the people. There is no law or institution which cannot be revoked if the state is going to be governed by the actual wills of its present citizens. Every assembly must begin with the question: Does the sovereign please to preserve the present form of government?¹⁰ But the idea that the law is a product of one's will weakens the almost religious awe that is necessary to maintain the respect for law. Old institutions and the sacredness of the law are restraints on the expression of selfish interest; the man who never conceives of the possibility of altering the established way is more likely to behave according to the commands he never questioned than the one who is accustomed to easy change. This is a difficulty never entirely resolved by Rousseau, but which he attempts to do away with by making the process of change difficult, by making the individuals who suggest it responsible for its effects, and by an education in the respect for good institutions. But the possibility of change cannot be obviated if the citizens are to be conscious of their freedom and able to judge what preserves it and what destroys it.

The sovereign is by its nature also indivisible. The notion of the general will makes it impossible for there to be a separation of powers which is anything more than a delegation for the execution of functions previously defined by the sovereign and ultimately dependent upon it. The sovereign power is a unity which cannot be divided without destroying it. No authority is anything but derivative from it.

The social contract is an agreement to form a civil society and establishes the instrument of authority—the sovereign. But the institution of this body does not give the body motion; the new society must have activities and ends; it needs laws. The character of the laws is undetermined by the contract; the contract only sets up the legitimate organ of legislation. The particular enactments can vary according to the interests of the society. The laws must, like the general will, be only general. They cannot refer to particular persons or acts. If they did, the persons involved would not partake in the general will; they would be alien to it, since their wills did not take part in forming the law. The law can establish regulations distinguishing diverse duties, honors, and classes, but it cannot say to whom these regulations should apply. It considers the citizens as a body and acts as abstract.

The laws must have sanctions imposed by men, since there are no other sources of them on earth; these sanctions must include the power of life and death in so far as the vicious need repression. Otherwise society would be of advantage to the unjust rather than the just. And there is no limitation on the scope of the law. Whatever does not touch the needs of civil society itself should be left to the citizen's free determination, but there is no means of establishing in advance what will be necessary for society's preservation. There are no reserved rights on behalf of the citizens. If there were, the citizens could withdraw from the contract at critical moments. And, since civil society entails a whole way of life, the apparently most trivial matters of private enjoyment can have a political effect. The manners of the society are of as much or more concern than the institutions of government, because manners underlie institutions and give them their force.¹¹

To find a code of laws which fits a people, which is complete, and which will be obeyed is not a task for primitive men; such a code cannot arise from the mere gathering together of a group of men who constitute themselves as a sovereign. The private wills are still too dominant; they are not repressed by the habit of civil life. Practically speaking, it is only after a people has lived with its laws and habits for a long time that it can be said to be a people, a group with common interests and a general will, something more than an agglomeration. It is only afterwards that the body of the people is prepared to judge if its laws are good. But the society needs laws from the beginning if the strongest are not to take over and impose their private wills on the mass of the people and make slaves of them. Hence, for the formation of a real civil society a legislator is needed. This extraordinary man must discover the rules appropriate to the society in question, and he must force or persuade the people to accept them. He himself cannot be a member of the state, and

he has no authority; he presents the laws which must be approved ultimately by the general will. His is a labor of love from which he can win only honor. Rousseau has in view men like Moses and Lycurgus who established a people and along with it justice. He returns in this, too, to a classic view in that he does not believe in piecemeal reform or in the gradual automatic triumph of reason in politics. Conscious, statesman-like action is necessary; the whole order must be founded at one time according to rational plan, and only greatness can compass the task. The greatest political task is the establishment of a regime, and nothing can do away with the need for extraordinary virtue to accomplish it. The very greatness of the legislator makes his success more difficult, because he cannot be understood by those whom he wishes to convince. He must learn the language of the vulgar, and that is chiefly the language of divine inspiration or religion. The people can be impressed and persuaded by the accents of piety and the semblance of miracle. This is one of the few ways to still the voice of private interest long enough for the many to learn to appreciate the advantages of law. Religion is used for political purposes and, in Rousseau's view, should not become independent of political control. The religion should not contain teachings which do not conduce to the ends of the regime. Rousseau was perfectly aware that impostors could play the role of legislator and that the "strong man" is always a danger. But in looking to the origins of regimes, he could see only means such as these to establish orderly and legitimate ones. Regimes are made by men, and good ones require great men and unusual means.¹²

Although the formal conditions of legitimacy are the same everywhere, Rousseau wanted to preserve a realm for the activity of statesmanship. He knew that politics could not be made an abstract science as some modern theory wanted it to be. He tried to combine the clarity and certainty of modern political science with the flexibility of the classical art of politics. The fact of difference of circumstance means that many nations cannot enjoy liberty and that many others can only have a diluted form of it. A regime that could be realized everywhere would be of such a low order that the few who can enjoy a good one would be deprived of it without the others gaining by it. Legislation must be made at the right moment, and a primitive people uncorrupted by decadent habits is most eligible for it. The climate and the territory, its extent and character, must be taken into consideration. The traditions of the people and their manners determine the range of possibilities. The fact that the general will is formal allows for these differences. There is no doctrine of natural law which limits the statesman's activities and forces him to mitigate his judgments about what most

conduces to the common good. That there are different peoples implies that the determinations of the general will will differ. The diversity of life is preserved, but man is not left without moral guidance; in the diversity there is the unity which is everywhere the same, the general will. But there are no universal substantive commands implied in the general will; a great variety of opposed principles can legitimately be emitted by it; it can make laws which lead to widely varying styles of life and action. According to the *Social Contract* and the political philosophy underlying it, there is no one best regime or scheme of laws. Different arrangements can equally well allow for the existence of a general will in different circumstances.¹³

The general will is only the expression of a desire that something be done. The force to do it is also necessary. This necessity brings into being the distinction between the legislative and the executive, between the sovereign and the government. Since the sovereign can legitimately make laws only about general objects, the application of the laws to particular acts or persons is not of its domain and belongs rather to the government. The government receives its instructions from the general will and uses its authority to determine the acts of the citizens according to the sense of the sovereign. It is the intermediary between sovereign and individual citizen and is totally derivative. This distinction is new in Rousseau and works a fundamental break with his predecessors, especially those of classical antiquity.¹⁴ It prefigures the distinction between state and society so important today. For the classical thinkers the arrangement of the offices—the government—was the primary consideration. The form of government determined the form of society, and with a change of government a new society would be constituted. Loyalty was not owed to the country, the people, or the society but to the government. In Rousseau's scheme the existence of the sovereign prior to the existence of government means that the latter is only a secondary phenomenon from the point of view of right and fact. The contract constitutes the society which antedates the government and maintains itself in spite of changes in the government. Hence, the most interesting object of study is the society, and loyalty is owed primarily to it rather than to the government. The primary fact of politics is not the government of men; government is a necessary evil because men need direction in the exercise of their freedom. The less government, the better, and there is a great pre-occupation with limiting the scope of the government and preventing it from contradicting the general will. Government is always viewed with suspicion, and the citizens must be careful that the exercise of its functions does not unjustly inhibit them in the exercise of their liberty. The government institutes inequalities of

rank and authority which are necessary to it, but those differences do not establish real differences of worth among the citizens who are all equal. The government is always completely dependent on the will of the people and can be reduced to its original equality with them.

It is easy to see how later thinkers were able to develop on this basis such notions as "the withering away of the state" without believing that the fundamental advantages of society would be lost; and it is less shocking to think of changes in government on this basis. The older tradition taught that the establishment of government is the fundamental act in the formation of a community, and that the destruction of government is equivalent to the destruction of society. Hence, the inequality which government implies is coeval with society, and it follows that the authority of government is not derivative from the people as a whole or the general will. The superior men do not owe their superiority to the people. This difference leads in Rousseau's thought to a certain deterioration in the respectability of government and more concentration on the rights of the citizens than on the effectiveness of execution.

Government must be powerful enough to dominate the particular wills of the citizens but not powerful enough to dominate the general will or the laws. The more inhabitants a country has, the more the particular wills are powerful, and the harder it is for the individuals to identify themselves with the community. Hence the government must be more vigorous in populous lands, especially when the extent of the territory is great. The more persons sharing the authority of government, the less vigorous the government; monarchy is the most vigorous of governments and democracy the least. It follows that difference of size of nations means that different sorts of government are required. One cannot speak of the best government. The difference between democracy, aristocracy, and monarchy is one of number, and consequently of vigor. The classic notion, that the difference is one of virtue and that the choice between the three forms of regime is the decisive political act, is tacitly denied by Rousseau. As a rule, aristocracy has the fewest inconveniences. Democracy requires too much virtue, is almost no government at all, and the identification of the collective private wills with the general will is too easy. Monarchy is too concentrated and the problems of succession are too great. Aristocracy is a sort of mean between the inconveniences of the two, but it can become the worst of regimes. There are three possible sorts of aristocracy: hereditary, natural, and elective. The first is the worst sort in Rousseau's view, based as it is on wealth and conventional inequality; and its members are under the delusion that their rights are independent of the will of the people.

They have a collective interest of class which divides the community. Contradicting the whole tradition of political philosophy, Rousseau denies that a true aristocracy is a politically identifiable class.¹⁵ In primitive societies the best-equipped to rule are chosen almost naturally, and this is an excellent solution but inadequate for more developed societies. Election is the sole legitimate mode of selecting a limited number of governors, for it guarantees that they will be in constant submission to the general will.

In this way, aristocracy becomes little more than an expression of the fact that in most societies not everyone rules so that some limited number of men must be chosen. There are no criteria of birth or wealth for the selection of those few, and the aristocracy does not represent a way of life. Rousseau, of course, tries to make provision for the selection of the truly best and to avoid demagoguery, but his notion of aristocracy is not far from our present-day notion of popular or democratic government. Above all, no classes are allowed to establish special rights for themselves and, consequently, no special way of life may be connected with their class privileges. Rousseau tries to preserve differentiation and special privilege for political talent, but the fundamental principle of political right is equality, and privilege should never become identified with the conventions of traditional aristocracy which preserves mediocrity under the guise of superiority. His thought entails a wholesale condemnation of the encouragement of the class differences which were central to classical thought.

The death of a government occurs when the particular wills substitute themselves for the general will. This can lead either to anarchy or tyranny—anarchy when the individuals go off each in his own direction, tyranny when the private will of a single man directs the government. The entire political problem is, in sum, to establish the proper relation between the particular and the general will. The transformation of man in his passage from the state of nature to the civil state and his discovery of his free capacity to will is the crucial event for him, and the first and continuing preoccupation of the statesman is to guarantee the preservation of that transformation. For this purpose the ancient city serves best: because it is small enough to permit an aristocratic government and for the citizens to share a common heritage and a common way, because the particular wills can more easily be submerged in custom, and because the statesman can control the entirety. The question of the size of a nation is not a matter of mere technical limitations as has been most often supposed in modern thought, but has to do with the nature of human possibilities. Rousseau believed that revolutions could restore conservative antiquity on new, self-conscious grounds. His thought is

an amazing union of the radical, revolutionary progressivism of modernity with the discretion and restraint of antiquity.

As has been said, Rousseau began his critique of modern thought from the point of view of human happiness. A political solution which does not fulfill humanity is only an abstraction, nor can the proper place of the political be distinguished except against the background of the whole man. And that raises the question whether the solution of the *Social Contract* is as completely satisfactory as that book itself would seem to indicate. The question is whether all men, especially the best men, can find complete satisfaction within a possible civil society. That the *Social Contract* provides a basis, from Rousseau's point of view, for establishing orders in which most men can live satisfactorily when laws have become necessary for them, there is no doubt. But whether these orders can realize a perfect justice that commands the attachment of the minds and hearts of the best is not entirely clear. There are two reasons drawn from Rousseau's writings which make this question unavoidable.

The first is purely political and has to do with property. Rousseau never envisioned as universally feasible a common use of the fruits of the earth. Private property is almost inextricably bound up with civil society and attaches men to it. But private property is not natural and is always a source of inequality. Private property is the root of power in civil society, and it cannot help influencing the establishment of laws. Even in a society where there are not the extremes of wealth and poverty, the distinction exists, and the tendency is always toward aggravating these differences. A man's life is very different if he is born to poverty or wealth, and money has a great deal to do with his capacity to remove external impediments to his freedom. Society protects the rich more than the poor, and the poor have much less to lose and perhaps much to gain in the destruction of the established order. Rousseau recognizes this in being willing to weight the procedures of voting somewhat in favor of the solidly entrenched rich who have the preservation of the regime at heart, if only selfishly. As soon as the equality of persons is the basis of political right, the legitimacy of the inequality of private property becomes highly questionable. Rousseau did not believe that real equality of wealth could be maintained without constant revolution and the destruction of the advantages of political life, but his view of private property is not wholly unlike Marx's. Private property is a perpetual question mark standing after the words "legitimate civil society."¹⁶

But more important is the doubt raised by the investigation of man's nature and Rousseau's own life as he saw fit to describe it for the public. Man is naturally an idle animal whose real pleasure is in sentiment,

especially the sentiment of his own being. The movement of time and events does not entirely efface that nature. But civil society requires effort and work; one has little time to exercise the sentiments. The good citizen wants the esteem and affection of his fellow citizens; he looks to their opinions rather than living within himself as does the savage. Above all, civil society demands virtue, and virtue is hard. Virtue means living according to principle, conscious repression of the animal and sentimental in man. Virtue is necessary for civil society, but it is unclear whether it is good in itself—whether, as for the ancients, it is the specific human perfection, desirable for itself in addition to its effect of preserving society. The natural man had a goodness which caused him to care for his fellows; this was a pleasure for him just as was the satisfaction of his personal needs. He never did anything because he had to, but because it flowed naturally from him. Rousseau makes a distinction between the moral and the good man.¹⁷ The moral man acts from the sense of duty and has the character of the trustworthy citizen. The good man follows his natural instincts, that first nature uncorrupted by vanity; he is the sentimental friend and lover. Rousseau put himself in the class of the good men, and his *Confessions* are the revelation of the life, actions, and feelings of such a man. He is not a reliable citizen; he is useless to society. He is idle. Finally, he is a solitary walker who dreams and recovers the sense of his existence under the layers of convention that have caused it to be utterly lost. He goes away and lives in the country, alone, untouched by civil society. This is another solution to the human problem, impossible for most men who do not have the strength of soul and intellect necessary to free themselves from their dependence and to think through the false opinions of society; but it is more satisfactory and more pleasant because it is closer to that first nature.

One can say that there are two roads from the state of nature and that they do not meet, the one leading to civil society, the other to the condition of men like Rousseau. One looks forward to the future and to a transformation of man, the other longs passionately for a return to nature. There is no harmonious solution to the human problem; there are unsatisfactory alternatives at tension with one another: the statesman versus the dreamer or the poet. They are mutually exclusive. One is left with a sense of incompleteness or imperfection in Rousseau's view of human life. Civil society does not satisfy much that is deepest in man. The dreamer cannot live well with his fellows. And, in the state of nature, where this split had not occurred, man was not really man. But Rousseau resisted the temptations to which his successors succumbed. Because he was aware that man's morality was purchased at the sacrifice of his sweetest natural sentiments and is partly only a means to the

preservation of the state, he did not try to absolutize that morality to the exclusion of all else that is human. He did not teach that history, for all its power, would overcome the force of man's nature. He did not believe that man could become entirely social. And he did not neglect the importance of the political to give himself up to romantic longings for the lost past. All of these possibilities are to be found in his thought, but each was given no more than its due. For this reason one feels that he presented the human problem in its variety with greater depth and breadth than any of his successors.

NOTES

1. Rousseau's awareness of the paradoxical character of his works is well illustrated in the *Letter to M. d'Alembert*, in *Politics and the Arts. Letter to M. d'Alembert on the Theatre* by Jean-Jacques Rousseau, trans. with notes and an introduction by Allan Bloom (Glencoe, Ill.: The Free Press, 1960), p. 131, n.; and in Rousseau's *Lettre à M. Beaumont*, sixth paragraph.

2. *Discourse on Political Economy*, in *The Social Contract and Discourses*, trans. with an introduction by G. D. H. Cole ("Everyman's Library" [New York: Dutton, 1950]), pp. 306-8, 323-24. This volume will be cited hereafter as Cole's Rousseau.

3. *Discourse on the Sciences and Arts*, in *Jean-Jacques Rousseau, The First and Second Discourses*, ed. by Roger D. Masters and trans. by Roger D. and Judith R. Masters (New York: St. Martin's Press, 1964). This volume will be cited hereafter as Masters' *Discourses*.

4. *The Government of Poland*, in Rousseau, *Political Writings*, trans. and ed. by Frederick Watkins (New York: Nelson, 1953), chap. ii, pp. 162 ff.; cf. *Discourse on the Origin and Founda-*

tions of Inequality among Men, in Masters' *Discourses*, pp. 78-90.

5. The preceding pages summarize the argument of the *Discourse on the Origin and Foundations of Inequality among Men*.

6. *Social Contract*, I.ii-v.

7. *Ibid.*, I.vi.

8. *Ibid.*, I.vii.

9. *Ibid.*, III.xv. Cf. *Government of Poland*, chap. vii, pp. 187-205.

10. *Social Contract*, III.xviii.

11. *Discourse on Political Economy*, p. 298, in Cole's Rousseau.

12. *Social Contract*, III.vii; cf. *Government of Poland*, chap. ii, pp. 163-65.

13. *Social Contract*, III.viii. *Letter to M. d'Alembert*, p. 66.

14. *Social Contract*, I.vii, III.i; *Discourse on Political Economy*, pp. 289-97.

15. *Discourse on the Origin and Foundations of Inequality among Men*, Masters' *Discourses*, p. 227, note(s) to p. 174 of the text.

16. *Ibid.*, pp. 141-42.

17. See Rousseau's *Les Rêveries du promeneur solitaire*, sixième promenade (Paris: Garnier, 1960), pp. 75-86.

READINGS

- A. Rousseau, Jean-Jacques. *Discourse on the Sciences and Arts*, in *Jean-Jacques Rousseau, The First and Second Discourses*, ed. by Roger D. Masters (New York: St. Martin's Press, 1964).

Rousseau, Jean-Jacques. *Discourse on the Origin and Foundations of Inequality among Men*, in *ibid.*

Rousseau, Jean-Jacques. *Social Contract*, bks I and II.

- B. Rousseau, Jean-Jacques. *Discourse on Political Economy*.

Rousseau, Jean-Jacques. *Social Contract*, bks III and IV.

Rousseau, Jean-Jacques. "The Confession of Faith of the Savoyard Vicar," in *Emile*, bk IV.

Rousseau, Jean-Jacques. *The Government of Poland*, in *Political Writings*. Trans. and ed. F. Watkins. New York: Nelson, 1953.

Rousseau, Jean-Jacques. *Letter to M. d'Alembert on the Theatre*, in *Politics and the Arts*. Trans. with notes and an introduction by Allan Bloom. Glencoe, Ill.: The Free Press, 1960.

Of the Social Contract

or

Principles of Political Right

By J. J. Rousseau
citizen of Geneva

—In an equal federation we
will make laws.

*Aeneid XI*¹

1762

¹Translator's notes are numbered and appear at the end of the text. Rousseau's notes are indicated by asterisks and appear at the bottom of the appropriate page.

KING'S COURT COMMUNICATIONS, INC.
BRUNSWICK, OHIO

TABLE OF CONTENTS

BOOK I		1
Chapter I	The Subject of the First Book	2
Chapter II	Of the First Societies	2
Chapter III	Of the Right of the Strongest	4
Chapter IV	Of Slavery	5
Chapter V	That It Is Always Necessary to Go Back to a First Convention	8
Chapter VI	Of the Social Compact	9
Chapter VII	Of the Sovereign	11
Chapter VIII	Of the Civil State	12
Chapter IX	Of Real Property	13
BOOK II		16
Chapter I	That Sovereignty Is Inalienable	16
Chapter II	That Sovereignty Is Indivisible	17
Chapter III	Whether the General Will Can Err	18
Chapter IV	Of the Limits of Sovereign Power	19
Chapter V	Of the Right of Life and Death	22
Chapter VI	Of the Law	24
Chapter VII	Of the Legislator	26
Chapter VIII	Of the People	29
Chapter IX	Of the People — Continued	31
Chapter X	Of the People — Continued	33
Chapter XI	Of the Different Systems of Legislation	35
Chapter XII	Division of the Laws	37

BOOK III		38
Chapter I	Of Government in General	38
Chapter II	Of the Principle Which Constitutes the Different Forms of Government	43
Chapter III	Division of Government	45
Chapter IV	Of Democracy	46
Chapter V	Of Aristocracy	48
Chapter VI	Of Monarchy	50
Chapter VII	Of Mixed Governments	54
Chapter VIII	That Every Form of Government Is Not Suited to Every Country	55
Chapter IX	Of the Signs of a Good Government	59
Chapter X	Of the Abuse of Government, and Its Tendency to Degenerate	60
Chapter XI	Of the Death of the Body Politic	63
Chapter XII	How the Sovereign Authority Maintains Itself	64
Chapter XIII	How the Sovereign Authority Maintains Itself — Continued	65
Chapter XIV	How the Sovereign Maintains Itself — Continued	66
Chapter XV	Of Deputies or Representatives	67
Chapter XVI	That the Institution of Government Is Not A Contract	70
Chapter XVII	Of the Institution of Government	71
Chapter XVIII	Means of Preventing the Usurpations of Government	72
BOOK IV		73
Chapter I	That the General Will is Indestructible	73
Chapter II	Of Voting	75
Chapter III	Of Elections	77
Chapter IV	Of the Roman Comitia	79
Chapter V	Of the Tribunate	87
Chapter VI	Of the Dictatorship	89
Chapter VII	Of the Censorship	91
Chapter VIII	Of the Civil Religion	93
Chapter IX	Conclusion	101

FOREWORD

This little treatise is extracted from a more extended work which was undertaken at another time without having consulted my capacities, and long since abandoned. Of the various fragments that might have been taken from what was done, this is the most considerable and appears to me the least unworthy to be offered to the public. The rest no longer exists.

BOOK I

I wish to inquire whether, in the civil order, it is possible to have some legitimate and sure rule of administration, taking men as they are and the laws as they can be. In this inquiry, I shall always try to unite what right permits with what interest prescribes so that justice and utility are in no way divided.

I embark upon the task without proving the importance of my subject. Someone will ask me if I am a prince or a legislator in order to write on Politics. I answer no, and that is why I am writing on Politics. If I were a prince or a legislator, I would not waste my time saying what is necessary to do; I would do it or keep silent.

Born a citizen of a free State and a member of the sovereign, whatever feeble influence my voice could have in public affairs, the right to vote suffices to impose upon me the duty to instruct myself in them. Happy am I whenever I meditate on Governments, always to find in my inquiries new reasons to love that of my country!

CHAPTER I

The Subject of the First Book

Man was born free, but everywhere he is in chains.² Whoever thinks himself the master of others is nevertheless more a slave than they. How did this change come about? I do not know. What can render it legitimate? I think I can resolve this question.

If I were to consider only force and the effect derived from it, I would say: as long as a People is constrained to obey and obeys, it does well; as soon as it can shake off the yoke and succeeds, it does even better; because, recovering its liberty by the same right that stole it away, either a people is justified in taking freedom back or there was no justification to deprive a people of it. But the social order is a sacred right which serves as a basis of all the others. However, this right does not come from nature; it is therefore founded on conventions. The problem is to know what are these conventions. Before going on to that, I must establish what I have just asserted.

CHAPTER II

Of the First Societies

The most ancient of all societies and the only natural one is the family. Yet children remain tied to the father only as long as they need him for their preservation. As soon as this need ceases, the natural tie is dissolved. Children, released from the obedience that they owe the father, and he released from the cares owed the children, they all return equally to independence. If they continue to stay united, it is no longer naturally, it is voluntarily; and the family itself is maintained only by convention.

This common freedom is a consequence of the nature of man. His first law is to watch over his own preservation; his first cares are those that he owes to himself; and as soon as he reaches the age of reason, he alone being judge of the proper means to preserve himself, becomes thereby his own master.

The family therefore may be called the first model of political societies: the ruler is the image of the father, the people is the image of the children; and all, being born equal and free, alienate their freedom only for their

utility. The only difference is that in the family the love of the father for his children compensates him for the cares that he renders them; while in the State the pleasure of commanding takes the place of this love which the ruler does not have for his people.

Grotius denies that all human power is established for the benefit of those who are governed; he cites slavery as an example.³ His most characteristic way of reasoning is to establish right by fact.* One could use a more consistent method, but not one more favorable to Tyrants.

It is then doubtful, according to Grotius, whether mankind belongs to a hundred men or whether this hundred men belong to mankind; and he appears, throughout his book, to lean to the first of these opinions; this is also the sentiment of Hobbes. Thus we see the human species divided into herds of cattle, each with its ruler, who protects it in order to devour it.

As a shepherd has a superior nature to that of his herd, so the shepherds of men, their rulers, also have a superior nature to that of their people. The emperor Caligula reasoning from this analogy readily concluded, according to the report of Philo, that kings were Gods, or that peoples were beasts.⁵

The reasoning of this Caligula coincides with that of Hobbes and Grotius. Aristotle, before them all, had also said that men are not naturally equal, but that some are born for slavery and others for domination.⁶

Aristotle was correct; but he took the effect for the cause. Any man born in slavery is born for slavery; nothing is more certain. Slaves lose everything in their chains, even the desire to escape from them. They love their servitude as the companions of Ulysses loved their brutish condition.**⁷ If then there are slaves by nature, it is because there have been slaves against nature. Force made the first slaves; their cowardice has perpetuated their slavery.

I have said nothing of the king Adam, nor of the emperor Noah, father of three great Monarchs who divided the universe among themselves, as did the children of Saturn, whom some have thought to recognize in them. I hope some may be grateful to me for this moderation; for, having descended directly from one of these Princes and perhaps from the oldest branch, how do I know but what on the verification of titles I might find

*“Learned inquiries into public right are often only the history of ancient abuses, and one becomes improperly stubborn when one troubles oneself to study them too hard.” (*Treatise on the Interests of France with Her Neighbors*, M. L. M. d’A.).⁴ This is precisely what Grotius did.

**See a little treatise by Plutarch titled, *That Animals Use Reason*.

myself the legitimate king of mankind? In any case, one cannot deny that Adam was Sovereign of the world, as was Robinson of his island, as long as he was the only inhabitant, and what was convenient in this empire was that the monarch, secure on his throne, had to fear neither rebellion, nor wars, nor conspirators.

CHAPTER III

Of the Right of the Strongest

The strongest is never strong enough always to be the master, unless he transforms his force into right, and obedience into duty. Hence, the right of the strongest; right apparently meant ironically, but actually established as principle.⁸ But will we never have an explanation of this word? Force is a physical power; I do not see what morality can result from its effects. To yield to force is an act of necessity, not of will. At most it is an act of prudence. In what sense can it be a duty?

Let us suppose for a moment that this so-called right exists. I say that it results only in inexplicable nonsense. For, as soon as it is force that makes right, the effect changes with the cause. Every force that overcomes the first succeeds to its right. As soon as one can disobey with impunity, one does so legitimately; and, since the strongest is always correct, it is only a question of acting in such a way that one may be the strongest. But what kind of right is it that perishes when force ceases? If it is necessary to obey by force, one does not need to obey by duty; and if one is not forced to obey, one is no longer obligated. Therefore this word, right, adds nothing to force; it does not mean anything here.

Obey power. If this means yield to force, the precept is good but superfluous; I answer that it will never be violated. All power comes from God, I avow; but so does all disease. Is that to say that it is forbidden to call a doctor? A brigand surprises me in a recess of a forest: not only is it necessary by force to give my purse, but, even if I could withhold it, am I obligated in conscience to give it? After all, the pistol he holds is also a power.

Let us agree then that force does not make right, and that one is only obligated to obey legitimate powers. Thus my first question always returns.

CHAPTER IV

Of Slavery

Since no man has a natural authority over his fellow, and since force produces no right, what remains are conventions as the basis of all legitimate authority among men.

If an individual, says Grotius, can alienate his freedom and make himself the slave of a master, why could not a whole people alienate its freedom and make itself subject to a king?⁹ There are many equivocal words here that would need explanation; but let us confine ourselves to the word *alienate*. To alienate is to give or sell. Now, a man who makes himself the slave of another does not give himself; he sells himself, at the very least for his subsistence. But a people, for what does it sell itself? Far from furnishing his subjects their subsistence, a king gets his own only from them; and, according to Rabelais, a king does not live on little. Do subjects then give their persons on the condition that their goods also be taken? I do not see what is left them to preserve.

It will be said that the despot assures his subjects civil tranquility. Very well, but what do they gain, if the wars that his ambition brings upon them, if his insatiable avidity, if the harassments of his ministers desolate them more than would their own dissensions? What do they gain, if this tranquility itself is one of their miseries? One also lives tranquilly in dungeons; is that enough to be well off there? The Greeks imprisoned in the cave of the Cyclops lived there tranquilly, awaiting their turn to be devoured.¹⁰

To say that a man gives himself gratuitously is to say a thing absurd and inconceivable; such an act is illegitimate and null, if only because he who does it is not in his right mind. To say the same thing of a whole people is to suppose a people of madmen; madness does not make right.

Even if each man could alienate himself, he could not alienate his children. They are born men and free. Their freedom belongs to them, and no one but themselves has a right to dispose of it. Before they are of the age of reason, the father can lay down the conditions for their preservation, for their well being. But he cannot give them away irrevocably and without condition, because such a gift is contrary to the ends of nature and exceeds the rights of paternity. So, for an arbitrary government to be legitimate, it would be necessary that each generation of people be able to accept or reject the master, but then this government would no longer be arbitrary.

To renounce one's freedom is to renounce what makes one a man, to renounce the rights of humanity as well as its duties. There is no possible compensation for someone who renounces everything. Such a renunciation is incompatible with the nature of man, and to remove all freedom from his will is to remove all morality from his actions. Finally, it is an empty and contradictory convention that lays down on one side an absolute authority and on the other an obedience without limit. Is it not clear that one is not obligated at all to someone from whom one has the right to exact everything? And does not this condition alone, without equivalent, without exchange, nullify the act? For what right can my slave have against me, since all that he has belongs to me? And if his right is mine, to speak of this right of mine against myself is senseless.

Grotius and the others derive from war another origin of the so-called right of slavery.¹¹ The victor having, according to them, the right to kill the vanquished, the latter can buy back his life at the price of his freedom, a convention all the more legitimate in that it profits both parties.

But it is clear that this so-called right to kill the vanquished does not result in any manner from the state of war. Men, living in their primitive independence, have not among themselves constant enough relations to constitute either the state of peace or the state of war. From this alone, they are not at all naturally enemies. It is the relation of things and not of men that constitutes war; and the state of war cannot be born from simple and personal relations but only from property relations. Private war or war between one man and another cannot exist either in the state of nature, where there is no fixed property, or in the social state, where everything is under the authority of the laws.

Individual combats, duels, and encounters are acts which do not constitute a state. And as for private wars, authorized by the Establishments of Louis IX, king of France, and suspended by the peace of God, these are abuses of feudal government, an absurd system, if ever there was one, and contrary to the principles of natural right and to any good polity.¹²

War then is not a relation between man and man but a relation between State and State, in which individuals are enemies only accidentally, not as men, nor even as citizens,* but as soldiers; not as members of the father-

*The Romans who understood best and respected the right of war more than any nation on earth, carried their scruples in this regard so far that a citizen was not permitted to serve as volunteer without engaging himself expressly against the enemy and against a specifically named enemy. A legion having been reformed in which Cato the younger saw his first service under Popillus, Cato the elder wrote Popillus that if he wished his son to continue to serve under him, he must

land, but as its defenders. Finally each State can have for enemies only other States, not men, because between things of different natures there can be no true relation.

This principle also conforms to the established maxims of all times and to the constant practice of all civilized peoples. Declarations of war are not so much announcements to powers as to their subjects. The foreigner, whether king, individual, or people, who steals, kills or detains the subjects without declaring war on a prince is not an enemy; he is a brigand. Even in open war, a just prince in an enemy land properly seizes all that belongs to the public, but he respects the person and the goods of individuals. He respects the rights upon which his own are founded. The end of war being the destruction of the enemy State, one has a right to kill its defenders as long as they bear arms. But as soon as they lay them down and surrender, ceasing to be enemies or instruments of the enemy, they again become simply men, and one no longer has any right to their life. Sometimes it is possible to kill the State without killing a single one of its members, but war gives no right that is not necessary to its end. These principles are not those of Grotius. They are not based on the authority of poets, but they derive from the nature of things and are based on reason.

In regard to the right of conquest, it has no other basis than the law of the strongest. If war does not give the victor the right to massacre the vanquished peoples, this right which he does not have cannot serve as a basis of that to enslave them. One has the right to kill the enemy only when one cannot enslave him. The right to enslave him does not come from the right to kill him. It is therefore an iniquitous exchange to make him buy with his freedom his life over which one has no right. In establishing the right of life and death upon the right of slavery, and the right of slavery upon the right of life and death, is it not clear that one falls into a vicious circle?

Even assuming this terrible right to kill everyone, I say that a slave made in war or a conquered people is not bound in any way to its master except to obey him as long as forced to do so. In taking an equivalent for the lives of the enslaved or conquered, the victor has not done them a favor; instead of killing them without profit, he has killed them usefully. Far from his acquiring any further authority over them in addition to

administer a new military oath to him, because the first having been annulled, he could no longer bear arms against the enemy. And the same Cato wrote his son to take care not to go into combat until he had taken the new oath. I know the examples of the Siege of Clusium and other particular facts may be used against me; but I cite the laws, the practices. The Romans are those who least often transgressed their laws; and they are alone in having such noble laws.¹³

force, the state of war subsists between them as before; their very relation is the effect of it; and the practice of the right of war does not suppose a peace treaty. They have made a convention; granted, but this convention, far from destroying the state of war, supposes its continuation.

Thus, in whatever way one looks at things, the right of slavery is null, not only because it is illegitimate but because it is absurd and signifies nothing. These words, *slavery* and *right*, are contradictory; they are mutually exclusive. Between a man and another man or between a man and a people, this statement is equally senseless. *I make a convention with you, one wholly at your expense and wholly to my profit, one that I will observe as long as it pleases me and one that you will observe as long as it pleases me.*

CHAPTER V

That It Is Always Necessary to Go Back to a First Convention

Even if I granted all that I have hitherto refuted, the champions of despotism would be no better off. There will always be a great difference between subduing a multitude and ruling a society. If dispersed men, however numerous they might be, were successively enslaved by one man, I only see there a master and some slaves. I do not see a people and its ruler. Perhaps, if one wishes, this is an aggregation but not an association. There is here neither public good nor body politic. This man, if he had enslaved half the world, is still only an individual. His interest, separated from that of the others, is always only a private interest. If this same man were to perish, his empire after him remains dispersed and without connection, as an oak dissolves and falls into a heap of ashes after fire has consumed it.

A people, says Grotius, can give itself to a king.¹⁴ According to Grotius, a people is therefore a people before giving itself to a king. This gift itself is a civil act; it assumes public deliberation. Therefore, before examining the act by which a people elects a king, it would be good to examine the act by which a people is a people. For this act necessarily being prior to the other is the true foundation of the society.

Indeed, if there were no prior convention, where, unless the election were unanimous, would be the obligation upon the minority to submit to the choice of the majority? And whence do the hundred who want a

master get the right to vote for the ten who do not so wish? The law of plurality voting is itself an establishment of convention and assumes unanimity at least on one occasion.

CHAPTER VI

Of the Social Compact

I assume that men have reached a point where the obstacles injurious to their preservation in the state of nature, overwhelm the forces that each individual can employ to maintain himself in this state. Then this primitive state can no longer subsist, and mankind would perish if it did not change its way of life.

Now, since men cannot engender new forces, but only unite and direct those that exist, they no longer have any other means to preserve themselves than to form, by aggregation, a sum of forces that can prevail over those obstacles, to bring these forces into play by a single motive power and to make them act in concert.

This sum of forces can arise only from the coming together of several men. But the force and the freedom of each man being the original instruments of his preservation, how will he commit them without injuring himself and without neglecting the cares that he owes himself? This difficulty, leading back to my subject, may be expressed in these terms.

“To find a form of association which defends and protects the person and goods of each associate with all the common force; and in which, each uniting with all nevertheless obeys only himself and remains as free as before.” Such is the fundamental problem to which the social contract gives the solution.

The clauses of this contract are so determined by the nature of the act that the least modification would render them null and void. They are such that, even though they may perhaps never have been formally expressed, they are everywhere the same, everywhere tacitly admitted and recognized. But when the social compact is violated, each associate resumes his original rights and retakes his natural freedom, while losing the conventional freedom for which he renounced natural freedom.

These clauses properly understood all reduce to one, namely, the total alienation of each associate with all his rights to the whole community.

Because, in the first place, each giving himself completely, the situation is the same for all. And the situation being the same for all, it is in no one's interest to make it onerous for others.

Moreover, the alienation being done without reservation, the union is as perfect as it can be and no associate any longer has anything to demand back. For if some rights were left to individuals where there were no common superior to decide between them and the public, each individual being his own judge in some cases would soon claim to be it for all. The state of nature would subsist and the association would necessarily become tyrannical or useless.

Finally, each giving himself to all gives himself to no one. And since there is no associate over whom he does not acquire the same right that he yields over himself, he gains the equivalent of all that he loses and more force to preserve that which he has.

If then one removes from the social compact that which is not its essence, one will find that it is reduced to the following terms. *Each of us places in common his person and all his power, under the supreme direction of the general will; and we as a body receive each member as an indivisible part of the whole.*

At once, in place of the particular person of each contractor, this act of association produces a moral and collective body, composed of as many members as there are voices in the assembly. And by this same act, the body receives its unity, its common *I*, its life and its will. In other times, this public person so formed by the union of all others took the name *City** and now takes that of *Republic* or *body politic* which is called by its members *State* when it is passive, *Sovereign* when it is active, *Power* in comparison to others like itself. In regard to the associates, they take collectively the name *people* and call themselves individually *Citizens* as

*The true sense of this word has been almost entirely obliterated among the moderns. Most take a town for a City and a bourgeois for a Citizen. They do not know that houses make a town but that Citizens make a City. In another time, this same mistake cost the Carthaginians dearly. I have not read of the title, *Cives*, ever having been given to the subjects of any Prince, not in antiquity to the Macedonians, nor in our day to the English, despite their being closer to freedom than all the others. Only the French with great familiarity take on the name of *Citizens*, because they have no true idea of it, as one can see in their Dictionaries. Otherwise, in usurping it, they would fall into the crime of *Lèse-Majesté*. Among them, this name expresses a virtue and not a right. When Bodin wanted to speak of our Citizens and Bourgeois, he made the gross blunder of taking the one for the other. M. d'Alembert did not make the same mistake, and in his article on *Geneva*¹⁵ has properly distinguished the four orders of men (or five, counting ordinary foreigners) who are in our town, and of which only two compose the Republic. No other French author, that I know, has understood the true sense of the word *Citizen*.

participants in the sovereign authority and *subjects* as being under the laws of the State. But these terms are often confused and are taken one for another. It suffices to know how to distinguish them when they are used in all their precision.

CHAPTER VII

Of the Sovereign

This formula shows that the act of association contains a reciprocal commitment between the public and the individuals, and that each individual, contracting, as it were, with himself is doubly committed: as a member of the Sovereign to individuals and as a member of the State to the Sovereign. But the maxim of civil right that no one is bound by commitments made with himself cannot be applied here, for there is a great difference between making an obligation with oneself and with the whole of which one is part.

It is necessary to note further that public deliberation which, due to the two different relations under which each of the subjects is seen, can obligate all to the Sovereign, cannot, by the opposite reason, obligate the Sovereign to itself. And consequently, it is against the nature of the body politic for the Sovereign to impose a law on itself which it could not break. Only being able to consider itself as under one and the same relation, the Sovereign is then a case of an individual contracting with himself. From this it appears that there neither is nor can be any kind of fundamental law obligatory upon the body of people, not even the social contract. This does not mean that this body could not very well commit itself with others in matters that do not derogate from this contract, for in regard to the foreigner, it becomes a simple being, an individual.

But the body politic or the Sovereign, drawing its existence only from the sanctity of the contract, can never, even toward others, obligate itself to anything that derogates from the original act, such as alienating some portion of itself or submitting to another Sovereign. To violate the act by which it exists, would be to annihilate itself; and that which is nothing can produce nothing.

As soon as this multitude is thus united in one body, one of the members cannot be injured without attacking the body, much less the body be injured without the members feeling it. Thus duty and interest equally obligate the two contracting parties mutually to aid each other,

and the same men should seek to bring together under this dual relationship all the advantages that depend on it.

Now, the Sovereign, being formed only of the individuals who compose it, neither has nor can have any interest contrary to theirs. Consequently, the Sovereign power has no need to give guarantees to its subjects, because it is impossible that the body should want to harm all its members, and we shall presently see that it can do no harm to anyone in particular. The Sovereign, solely because of what it is, is always all that it should be.

But it is not so with the subjects' relation to the Sovereign. Despite the common interest, nothing would vouch for their commitments if the Sovereign did not find means of assuring their fidelity.

In fact, each individual may, as a man, have a particular will contrary or dissimilar to the general will which he has as a Citizen. His particular interest may speak to him quite differently than the common interest. His existence, absolutely and naturally independent, may make him regard what he owes to the common cause as a gratuitous contribution, the loss of which will be less harmful to others than the payment is onerous to himself. And considering the moral person who constitutes the State as an imaginary being because it is not a man, he would enjoy the rights of the citizen without wishing to fulfill the duties of the subject. The progress of this injustice would cause the ruin of the body politic.

In order then that the social compact not be an empty formula, it tacitly contains this commitment which alone can give force to the others: that whoever shall refuse to obey the general will shall be constrained to do so by the whole body. This means nothing other than that he will be forced to be free, because this is the condition which, giving each Citizen to the Fatherland, guarantees him from all personal dependence, the condition which designs and activates the political machine and which alone renders civil commitments legitimate — without it, they would be absurd, tyrannical, and subject to the most enormous abuses.

CHAPTER VIII

Of the Civil State

This passage from the state of nature to the civil state produces in man a very remarkable change, by substituting justice for instinct in his conduct and giving morality to his actions which they previously lacked.

It is only then that, the voice of duty taking the place of physical impulse and right the place of appetite, man, who until then had only thought of himself, finds himself forced to act on other principles and to consult his reason before listening to his inclinations. Although in this state he is deprived of several advantages that he gets from nature, he gains in it others so great, his faculties are exercised and developed, his ideas are extended, his sentiments are ennobled, his entire soul is raised to such a peak, that even if the abuses of this new condition were often to degrade him below that which he left, he ought to bless ceaselessly the happy moment that tore him from it forever, and which, from a stupid and limited animal made an intelligent being and a man.

Let us reduce this balance to terms easily compared. What man loses by the social contract is his natural freedom and an unlimited right to all that tempts him and that he can attain. What he gains is civil freedom and property in all that he possesses. In order not to be mistaken concerning these compensations, it is necessary carefully to distinguish natural freedom which is bounded only by the forces of the individual from civil freedom which is limited by the general will; and possession which is only the effect of force or the right of the first occupant, from property which can only be founded upon a positive title.

One might add to the preceding that moral freedom is also acquired in the civil state, and it alone truly makes a man master of himself. For the impulse of mere appetite is slavery, and to obey law which one has prescribed for oneself is freedom. But I have already said too much on this matter, and the philosophical sense of the word *freedom* is no part of my subject here.

CHAPTER IX

Of Real Property

At the moment that the community is founded, each member gives himself to it just as he is, he and all his forces which include the goods that he possesses. It is not that, by this act, possession changes its nature by changing hands and becomes property in the hands of the Sovereign. But as the forces of the City are incomparably greater than those of an individual, public possession is also in fact stronger and more irrevocable, without being more legitimate, at least for foreigners. For the

State in respect to its members is master of all their goods by the social contract, which serves as the basis of all rights of the State. But from the perspective of other Powers, it is only the right of the first occupant, which the State obtains from individuals.

The right of the first occupant, though more real than that of the stronger, becomes a true right only after the establishment of the right of property. Every man naturally has the right to everything that is necessary to him, but the positive act which makes him proprietor of some good excludes him from all the rest. His part being settled, he ought to limit himself to it, and no longer has any claim on the community. This is why the right of the first occupant, so weak in the state of nature, is respected by every civil man. By this right, one respects less what belongs to others than what does not belong to oneself.

In general, to authorize the right of the first occupant over any piece of land, the following conditions are necessary: first, that this piece of land not yet be inhabited by anyone; second, that one only occupy as much as one needs for subsistence; and in the third place, that one take possession of it, not by an empty ceremony but by work and cultivation, the sole sign of property which, in the absence of juridical title, should be respected by others.

In resting the right of the first occupant upon need and work, is that not in fact extending it as far as it can go? Can some limits not be given to this right? Will it be enough to set foot on a piece of common land to allege that at that moment one becomes master of it? Will it be enough to have the momentary force to separate other men from it in order to deprive them of the right of ever returning? How can a man or a people seize an immense territory and deprive mankind of it except by a punishable usurpation, since the rest of men are thereby deprived of a place of residence and sustenance which nature gives men in common? When Nuñez Balboa, standing on the shore, took possession of the south sea and all south America in the name of the crown of Castille, was this enough to dispossess all the inhabitants and to exclude all the Princes of the world from it? On this basis, such ceremonies would proliferate endlessly, and the Catholic King from his chamber might have taken possession of the whole universe, afterwards only cutting from this empire what other Princes already possessed.

One can see how the united and contiguous lands of individuals become the public territory, and how the right of sovereignty, extending from the subjects to the terrain that they occupy, becomes both real and personal, for it places the possessors in the greatest dependence and

makes of their very forces the guarantees of their fidelity. This advantage does not appear to have been grasped by the ancient monarchs who called themselves Kings of the Persians, of the Scythians, of the Macedonians, seeming to regard themselves as the rulers of men rather than as masters of the country. Those of today more cleverly call themselves Kings of France, of Spain, of England, etc. In thus holding the land, they are very sure of holding its inhabitants.

What is singular in this alienation is that in accepting the goods of individuals, the community is far from despoiling them of them. It only serves to assure individuals of legitimate possession of their goods, changing usurpation into a true right, and possession into property. Then the possessors being considered as depositories of the public good, their rights being respected by all members of the State and maintained by all its forces against the foreigner, by a cessation advantageous to the public and more so to themselves, they have, so to speak, acquired all that they have given up. This is a paradox easily explained by the distinction between the rights which the sovereign and the proprietor have over the same basic object, as will be seen hereafter.

It may also happen that men begin to unite before possessing anything, and that subsequently seizing a terrain sufficient for all, they enjoy it in common, or they divide it among themselves equally or in the proportions established by the Sovereign. However this acquisition is made, the right that each individual has over his own part is always subordinate to the right of the community over all, without which there would be neither solidity of the social bond nor real force in the exercise of Sovereignty.

I shall end this chapter and this book with a remark which may serve as the basis of the whole social system. The fundamental compact, instead of destroying natural equality, substitutes a moral and legitimate equality for that physical inequality which nature had set up among men, and men however unequal in force and genius, all became equal by convention and right.*

End of the First Book

*Under bad governments, this equality is only apparent and illusory; it serves only to maintain the poor in their misery and the rich in their usurpation. In fact, the laws are always useful to those who possess and harmful to those who have nothing; from which it follows that the social state is advantageous to men only when they all have something and no one has too much.

BOOK II

CHAPTER I

That Sovereignty Is Inalienable

The first and most important consequence of the principles already established is that the general will alone can direct the forces of the State in accordance with the end of its institution, which is the common good, for if the opposition of particular interests has rendered necessary the establishment of societies, it is the accord of these same interests which has rendered it possible. It is what is common in these different interests which forms the social bond, and if there were no point at which all interests agree, no society could exist. And it is solely on the basis of this common interest that society must be governed.

I say then that sovereignty being only the exercise of the general will, can never alienate itself, and that the sovereign, which is only a collective being, can only be represented by itself. The power may very well be transmitted but not the will.

Indeed, if it is not impossible that a particular will agree at some point with the general will, it is impossible at least that this agreement be lasting and constant, because the particular will tends by its nature to partiality and the general will to equality. It is even more impossible that there be a guarantee of this agreement; even though it should always exist, this will not be the result of art but of chance. The Sovereign can very well say, I now will what such a man wills or at least what he says he wills. But it cannot say, what this man shall will tomorrow, I too shall will, since it is absurd for the will to enchain itself for the future and since no will ought to consent to anything contrary to the good of the being who wills. If then the people simply promise to obey, it is dissolved by this act. It loses its character as a people. From the moment that there is a master, there is no longer any Sovereign, and then the body politic is destroyed.

This is not to say that the commands of rulers cannot pass for general wills, as long as the Sovereign, although free to oppose them, does not do so. In such a case, the consent of the people is to be presumed from universal silence. This will be explained more later on.

CHAPTER II

That Sovereignty Is Indivisible

For the same reason that sovereignty is inalienable, it is indivisible. For the will is general* or it is not; it is that of the body of the people, or only of a part. In the first case, this declared will is an act of sovereignty and makes law. In the second, it is only a particular will, or an act of magistracy; it is at most a decree.

But our political thinkers, unable to divide sovereignty in principle, divide it in terms of its object. They divide it into force and will, into legislative power and executive power, into rights of taxation, of justice and of war, into interior administration and into power to negotiate with the foreigner. Sometimes they confound all these parts and sometimes they separate them. They make of the Sovereign a fantastic being, composed of related pieces. It is as if they were to make a man out of several bodies, one having eyes, another arms, another feet and nothing more. It is said that the jugglers of Japan cut up a child in front of the spectators' eyes, then throwing all the limbs into the air one after another, the child, living and all reassembled, falls back to earth. Such is close to the juggling tricks of our political thinkers. After having dismembered the social body by a slight of hand worthy of a fair, they reassemble the pieces, one knows not how.

This error comes from not having formed exact notions of sovereign authority and having taken as parts of this authority what were only its emanations. Thus, for example, the act of declaring war and that of making peace have been regarded as acts of sovereignty, which they are not, since each of these acts is not a law but only an application of the law, a particular act which determines the case of the law as will be clearly seen when the idea attached to the word *law* is determined.

By following the other divisions in the same way, one would find that every time one thinks he sees sovereignty divided, he is mistaken, that the rights that are taken for parts of this sovereignty are all subordinate to it and always assume supreme wills for which these rights provide only the execution.

One cannot say how much obscurity this lack of exactitude has thrown over the authors' decisions concerning political right, when they have wanted to judge the respective rights of kings and peoples upon the

*For a will to be general, it is not always necessary that it be unanimous, but it is necessary that all votes be counted; any formal exclusion breaks the generality.

principles that they have established. Everyone can see in chapters III and IV of the first book of Grotius how this learned man and his translator Barbeyrac¹⁶ entangle and ensnare themselves in their sophisms, fearful of saying too much or of not saying enough of their views, and fearful of shocking the interests which they had to conciliate. Grotius, a refugee in France, discontented with his Fatherland, and wanting to court Louis XII to whom his book is dedicated, spares nothing to despoil the peoples of their rights and with all possible art to endow kings with them. This was also the inclination of Barbeyrac, who dedicated his translation to the King of England, George I. But unhappily the expulsion of James II, which he calls abdication, forced him to use caution, to shuffle, to evade in order not to make William a usurper. If these two writers had adopted the true principles, all the difficulties would be removed, and they would always have been consistent. But, sadly they would have said the truth and would then have courted only the people. For the truth does not lead to fortune, and the people give neither ambassadorships, professorships, nor pensions.

CHAPTER III

Whether the General Will Can Err

It follows from the preceding that the general will is always right and always tends to the public utility, but it does not follow that the deliberations of the people always have the same rectitude. One always wants his good, but does not always see it. The people are never corrupted but are often deceived and only then appear to will what is bad.

There is often a great difference between the will of all and the general will. The latter only looks to the common interest; the former looks to private interest and is only a sum of particular wills. But remove from these same wills the pluses and minuses which cancel each other,* and the general will remains as the sum of the differences.

If a sufficiently informed people deliberates, provided that the Citizens

* *Each interest*, says the M. d'A.,¹⁷ *has different principles. The agreement of two particular interests is formed by opposition to that of a third.* He might have added that the agreement of all interests is formed by the opposition to the interest of each individual. If there were no different interests, one could hardly sense the common interest which would never meet an obstacle. Everything would run by itself, and politics would cease to be an art.

have no communication among themselves, the general will would always result from the great number of little differences and the deliberation would always be good. But given the formation of factions, partial associations at the expense of the large association, the will of each of these associations becomes general in relation to its members and particular in relation to the State. It can then be said that there are no longer as many voters as men, but only as many as there are associations. The differences become less numerous and produce a result less general. Finally, when one of these associations is so large that it prevails over the others, you no longer have as a result a sum of little differences, but one decisive difference; then there is no longer a general will, and the opinion that prevails is only a particular opinion.

For the general will to be correctly expressed, it is therefore important that there not be any partial society in the State and that each Citizen opine only for himself.* Such was the unique and sublime institution of the great Lycurgus. But if there are partial societies, they must be multiplied in number and inequality among them be prevented, as did Solon, Numa, Servius. These are the only good precautions for assuring that the general will is always enlightened, and that the people are not deceived.

CHAPTER IV

Of the Limits of Sovereign Power

If the State or the City is only a moral person whose life consists in the union of its members, and if the most important of its cares is its own preservation, it needs a universal and compulsive force to move and dispose each part in the manner most suited to the whole. As nature gives each man an absolute power over his members, the social compact gives the body politic an absolute power over all of its, and it is this same power which, directed by the general will, bears, as I have said, the name of sovereignty.

But, besides the public person, we have to consider the private persons

**It is true, says Machiavelli, that divisions sometimes injure and sometimes serve a republic. The injury is done when divisions are accompanied by sects and parties; the service is rendered by a division that maintains itself without sects and parties. Since, therefore, it is impossible for the founder of a republic to provide against enmities, he must make the best provision he can against their growing into sects. History of Florence. Book VII.¹⁸*

who compose it, and whose life and freedom are naturally independent of it. It is therefore a question of carefully distinguishing the respective rights of Citizens and of the Sovereign,* and the duties which the former have to fulfill as subjects and the natural right which they should enjoy as men.

It is agreed that by the social compact each alienates that part of his power, his goods, and his liberty whose use is important to the community, but it is also necessary to agree that the Sovereign alone is judge of this importance.

All the services that a citizen can render to the State, he should render as soon as the Sovereign demands them; but the Sovereign for its part cannot burden its subjects with any chain which is useless to the community. It cannot even will it; because under the law of reason nothing happens without a cause, any more than under the law of nature.

The commitments that bind us to the social body are only obligatory because they are mutual, and their nature is such that in fulfilling them one cannot work for others without also working for oneself. How can the general will always be right, and how can everyone constantly will the happiness of each of the others, unless no one takes this word *each* to refer to himself, and no one thinks of himself when voting for all? This proves that the equality of right and the notion of justice which it produces derive from the preference that each gives himself and consequently from the nature of man, and also that the general will, to be truly such, must be general in its object as in its essence, that it must issue from all to apply to all, and that it loses its natural rectitude when it tends to some individual and determined object, because then, judging what is foreign to us, we have no true principle of equity which guides us.

In fact, as soon as it is a question of a particular fact or right, on a point which has not been regulated by a general and prior convention, the affair becomes contentious. It is a process where the interested individuals are one of the parties and the public the other, but where I see neither the law which must be followed nor the judge who ought to decide. It would be ridiculous to want to refer the dispute to an express decision of the general will, which can only decide in favor of one of the parties. And consequently to the other party, this is only a foreign and particular will carried on this occasion to injustice and subject to error. Thus just as a particular will cannot represent the general will, the general will in turn

*Attentive readers, do not hasten, I beg you, to accuse me here of contradiction. I have not been able to avoid it in the terms used, considering the poverty of the language, but wait.

changes its nature by having a particular object, and cannot, being general, pronounce either on a man or on a fact. When the people of Athens, for example, named or cashiered its rulers, decreed honors for one, imposed punishments on the other, and by multitudes of particular decrees exercised indistinctly all the functions of Government, then the people no longer had a general will properly so-called. It no longer acted as Sovereign but as magistrate. This will appear contrary to common ideas, but I must be allowed time to expose mine.

It should be understood from the above that what generalizes the will is less the number of votes than the common interest which unites them, because in this institution each submits himself necessarily to the conditions that he imposes on others. This admirable agreement of interest and justice gives to deliberations in common a character of equity that is seen to vanish in the discussion of every particular affair, for want of a common interest which unites and identifies the rule of the judge with that of the party.

From whatever side the principle is approached, the same conclusion is always reached; namely, that the social compact establishes among the citizens such an equality that they are all committed to the same conditions, and should all enjoy the same rights. Thus, by the nature of the compact, every act of sovereignty, that is to say every authentic act of the general will, equally obligates or favors all the Citizens, in such a way that the Sovereign knows only the body of the nation and does not distinguish among those who compose it. What then properly speaking is an act of sovereignty? It is not a convention of the superior with the inferior, but a convention of the body with each of its members. It is a legitimate convention because it has as its basis the social contract; it is equitable because it is common to all, useful because it has no other object than the general good, and solid because it has as guarantee the public force and the supreme power. As long as the subjects submit only to such conventions, they obey no one but only their own will; and to ask how far the respective rights of Sovereign and Citizens extend is to ask up to what point Citizens can engage with themselves, each toward all and all toward each.

It is seen from this that the Sovereign power, wholly absolute, wholly sacred, wholly inviolable as it is, does not exceed nor can it exceed the limits of general conventions, and every man can fully dispose of whatever has been left him of his goods and his freedom by these conventions; so that the Sovereign never is right in burdening one subject more than another, because then the affair becomes particular, and its

power is no longer competent.

Once these distinctions are admitted, it is so false that in the social contract there is any true renunciation on the part of individuals that their situation as the result of this contract is really preferable to what it was before, and that instead of an alienation, they have only made an advantageous exchange of an uncertain and precarious way of life for another better and more sure, an exchange of natural independence for freedom, of the power to harm others for their own security, and of their force which others could overcome for a right which the social union renders invincible. Their very lives themselves, which they have devoted to the State, are continually protected by it, and when they risk their lives for the defense of the state, what are they doing but giving to it what they received from it? What are they doing that they would not do more frequently and with greater danger in the state of nature, when waging inevitable combats, they would defend at the risk of their lives that which serves to preserve their lives? All have to fight for their Fatherland when needed, it is true; but also no one has to fight for himself. Is there not something gained by our running, for the sake of that which provides our security, some of the risks we would face alone as soon as we were deprived of that security?

CHAPTER V

Of the Right of Life and Death

It is asked how individuals having no right to dispose of their own lives can transmit to the Sovereign this same right which they do not have. This question seems difficult to resolve only because it is badly posed. Every man has the right to risk his own life to preserve it. Has it ever been said that whoever throws himself from a window to escape a fire is guilty of suicide? Has this crime likewise ever been imputed to one who perishes in a storm, when embarking he was not cognizant of the danger?

The end of the social treaty is the preservation of the contracting parties. He who wills the end also wills the means, and these means are inseparable from some risks, and also some losses. He who wills the preservation of his life at the expense of others must also give it for them when necessary. Furthermore, the Citizen is no longer judge of the peril to which the law wills that he expose himself, and when the Prince has told him, it is expedient to the State that you die, he must die, because it is

only upon this condition that he has lived in security until then, and his life is no longer only a beneficence of nature but a conditional gift of the State.

The death penalty inflicted on criminals may be seen in much the same way: it is in order not to be the victim of an assassin that one consents to die if one becomes an assassin. In this treaty, far from disposing of one's own life, one thinks only of guaranteeing it, and it is not to be assumed that any of the contracting parties is then thinking ahead of having himself hanged.

Furthermore, any malefactor in attacking social right becomes by his crimes a rebel and traitor to the fatherland; he ceases to be a member of it by violating its laws, and indeed he makes war on it. Then the preservation of the State is incompatible with his own; it is necessary that one of the two perish, and when one kills the guilty, it is less as a Citizen than as an enemy. The proceedings against him and the judgment are the proofs and the declaration that he has broken the social treaty, and consequently that he is no longer a member of the State. And since he has recognized himself as such at least by his staying there, he must be cut out of it by exile as breaker of the compact or by death as a public enemy, for such an enemy is not a moral person, he is a man, and it is then that the right of war is to kill the vanquished.

But someone will say that condemnation of a Criminal is a particular act. Agreed; likewise this condemnation does not belong to the Sovereign; it is a right which the Sovereign can confer without being able to exercise it. All my ideas are consistent, but I cannot expose them all at once.

Moreover, frequency of punishments is always a sign of weakness or laziness in the Government. There is no evil doer that cannot be made good for something. One has the right to kill, even as an example, only someone who cannot be preserved without danger.

As for the right of pardon, or of exempting the guilty from the penalty carried by law and pronounced by the judge, it belongs only to he who is above the judge and the law, that is to say the Sovereign. Again its right in this is not very clear, and the cases for using it are very rare. In a well-governed State there are few punishments, not because there are many pardons, but because there are few criminals. When a State decays, the multitude of crimes assures impunity. Under the Roman Republic, neither the Senate nor the Consuls ever attempted to pardon; the people themselves did not do it, although they sometimes revoked their own judgment. Frequent pardons announce that soon crimes will have no need of them, and everyone sees where that leads. But I feel that my heart

murmurs and restrains my pen. Let us leave discussion of these questions to the just man who has never failed and who would never need pardon.

CHAPTER VI

Of the Law

By the social compact we have given existence and life to the body politic: now it is a question of giving it movement and will by legislation. Because the original act by which this body is formed and united determines nothing yet about what it ought to do to preserve itself.

What is good and in conformity with order is such by the nature of things and independent of human conventions. All justice comes from God, who alone is its source. But if we knew how to receive it from on high, we would have need neither of government nor of laws. Without doubt, it is a universal justice emanating from reason alone, but for this justice to be acknowledged among us, it must be reciprocal. Considering things humanly, the laws of justice lacking natural sanction are empty among men. When the just man observes the laws of justice toward everyone without anyone observing them toward him they result in the good of the wicked and in the bad of the just. Thus conventions and laws are necessary to unite rights with duties and to recall justice to its object. In the state of nature, where everything is in common, I owe nothing to those to whom I have promised nothing; I recognize as belonging to others only what is useless to me. It is not like that in the civil state where all rights are determined by law.

But, after all, what is a law? As long as one is content to attach to this word only metaphysical ideas, one will continue to reason without understanding, and when one has said what a law of nature is, one will not know better from that what a law of the State is.

I have already said that there can be no general will with regard to a particular object. Indeed, this particular object is either in the State or outside the State. If outside the State, a will that is foreign is not general with regard to it; and if this object is within the State, it constitutes part of the State. Then there is formed between the whole and its part a relation which forms two separate beings; the part is one and the whole minus this same part is the other. But the whole less a part is not the whole, and as long as this relation exists, there is no longer a whole but two unequal parts; from which it follows that the will of the one part is no longer

general in relation to the other.

But when the whole people legislates for the whole people, it considers only itself; and if a relation is then formed, it is of the entire object from one point of view to the entire object from another point of view, without any division of the whole. Then the matter on which one legislates is general, like the will that legislates. It is this act that I call a law.

When I say that the object of the laws is always general, I mean that the law considers the subjects as a body and the actions as abstract, never a man as an individual nor a particular action. Thus the law can well legislate that there will be privileges, but it cannot name the person for them. The law can establish several Classes of Citizens, assigning even the characteristics which will give title to these classes, but it cannot name this or that person to be admitted to them. It can establish a royal Government and hereditary succession, but it cannot elect a king or name a royal family. In a word, every function which relates to an individual object does not belong to the legislative power.

With this idea, it is instantly seen that it is no longer necessary to ask to whom the making of laws belongs, because they are acts of the general will; nor is it necessary to ask if the Prince is above the laws, because he is a member of the State; nor to ask if the law can be unjust, because no one is unjust to himself; nor how one is free and subject to the laws, because the laws are only the registers of our wills.

It is further seen that because the law combines universality of will and of object, there is no law when any man whatsoever can demand anything whatever of his ruler. And moreover even what the Sovereign orders concerning a particular object is not a law but a decree, not an act of sovereignty but of magistracy.

I therefore call Republic any State ruled by laws, under whatever kind of administration there might be, because only then does the public interest govern, and is the public thing¹⁹ a reality. Every legitimate Government is republican.* I will explain hereafter what Government is.

Laws are properly but the conditions of the civil association. The People subject to the laws must be their author; the regulation of the conditions of society belongs only to those who are associated, but how will they regulate them? Will it be by a common agreement, by a sudden inspiration? Has the body politic an organ for expressing these wills?

*I do not mean by this word only an Aristocracy or a Democracy, but in general any government guided by the general will which is the law. To be legitimate it is not necessary that the Government be united with the Sovereign, but that the Government be its minister: then even monarchy is a republic. This will be made clear in the following book.

Who will give it the foresight necessary to formulate enactments and publish them in advance, or how will it pronounce them at the hour of need? How can a blind multitude which often does not know what it wants because it rarely knows what is good for it, execute by itself an enterprise so great, so difficult as a system of legislation? The people themselves always want the good, but by themselves do not always see it. The general will is always right, but the judgment which guides it is not always enlightened. This judgment must be made to see objects as they are, sometimes as they ought to appear to it, to show the general will the good road that it seeks, protect it from the seduction of particular wills, to bring together time and place before its eyes, to balance the attraction of present, palpable advantages with the danger of distant and hidden evils. Individuals see the good that they reject; the public wants the good that it does not see. All equally need guides. It is necessary to obligate individuals to conform their wills to their reason; it is necessary to teach the public to recognize what it wants. Then from public enlightenment results the union of understanding and will in the social body, and from that the perfect harmony of parties, and finally the greatest force of the whole. From this arises the necessity of a Legislator.

CHAPTER VII

Of the Legislator

To discover the best rules of society suited to Nations, a superior intelligence would be necessary who saw all the passions of men and yet experienced none of them, who had no relation with our nature, and yet knew it profoundly, whose happiness was independent of us and who nonetheless really wanted to concern himself with ours; finally, one who, in the future shall reap a distant glory, and yet could work for it in one century and enjoy it in another.* Gods would be necessary to give laws to men.

The same reasoning that Caligula used with respect to fact, Plato used with respect to right attempting to define civil or royal man in his book on rule.²⁰ But if it is true that a great Prince is a rare man, how much more

*A people becomes celebrated only when its legislation begins to decline. One does not know for how many centuries the institution of Lycurgus brought happiness to the Spartans before the rest of Greece took notice of them.

rare will a great Legislator be? The first has only to follow the model which the other has to propose. The Legislator is the mechanic who invents the machine; the Prince is only the worker who sets it up and makes it run. At the birth of societies, says Montesquieu, it is the rulers of republics who undertake the founding, and afterwards it is that founding which forms the rulers of republics.²¹

He who dares to undertake the founding of a people must feel himself in a position to change, so to speak, human nature; to transform each individual, who by himself is a perfect and solitary whole, into a part of a greater whole from which this individual receives in some way his life and his being; to alter the constitution of man in order to strengthen it; to substitute a partial and moral existence for the physical and independent existence that we have all received from nature. It is necessary, in a word, that he deprive man of his own forces in order to give him others which are foreign to him and which he cannot use without helping others. The more these natural forces are killed and annihilated, the more those acquired are great and durable, also the more solid and perfect is the founding, so that if each Citizen is nothing, can do nothing but with all the others, and the force acquired by the whole is equal or superior to the sum of the natural forces of all the individuals, one can say that the Legislation is at the highest point of perfection that it might attain.

The legislator is in all respects an extraordinary man in the State. If he is such because of his genius, no less is he such because of his office, which is neither magistracy nor sovereignty. This office, which constitutes the republic, has no place in its constitution. It is a particular and superior function which has nothing in common with human empire, for if he who holds command over men must not have command over laws, he who has command over laws must not have command over men; otherwise, his laws, ministers of his passions, would often only work to perpetuate his injustices, and he would never be able to avoid particular views spoiling the sanctity of his work.

When Lycurgus gave laws to his fatherland, he began by abdicating the Throne. It was the custom of most of the Greek towns to confer on foreigners the establishment of their laws. The modern Republics of Italy often imitate this usage; that of Geneva did so and found it went well.*

*Those who think of Calvin only as a theologian do not know the extent of his genius. The codification of our wise Edicts, in which he played a great part, does him as much honor as his institutes. Whatever revolution the times can bring about in our worship, so long as the love of fatherland and of freedom are not extinguished among us, the memory of this great man will never cease to be blessed there.

Rome in its most noble age saw reborn in its womb all the crimes of the Tyranny and saw itself ready to perish, for having reunited under the same heads the legislative authority and the sovereign power.

However, the Decimvirs themselves never arrogated to themselves the right of passing any law on their authority alone. *Nothing which we propose to you*, they said to the people, *can pass into law without your consent. Romans, be yourselves the authors of the laws which must make your happiness.*

He who draws up the laws therefore does not have or must not have any legislative right, and the people itself cannot, even if it might want to, despoil itself of this incommunicable right, because according to the fundamental compact, only the general will obligates individuals, and one can never be assured that a particular will is in conformity with the general will until after having submitted it to the free votes of the people. I have already said that, but it is not useless to repeat it.

Thus one finds at the same time in the work of legislation two things that seem incompatible: an enterprise above human force, and to execute it, an authority which does not exist.

Another difficulty that merits attention: the wise who want to speak in their own language to the vulgar rather than in its would not be understood. For there are a thousand kinds of ideas that are impossible to translate into the language of the people. Views too general and objects too distant are equally beyond their reach; each individual prefers no other plan of government than that which relates to his particular interest and perceives with difficulty the advantages he would reap from the continual privations that good laws impose. For a new-born people to prefer the healthy maxims of politics and follow the fundamental rules of reason of State, it would be necessary that the effect could become the cause, that the social spirit which ought to be the product of the founding preside at the founding itself, and that men be prior to the laws what they ought to become by means of them. Thus the Legislator, not being able to employ either force or reasoning, must recur to an authority of another order, which can win over without violence and persuade without convincing.

This is what forced the fathers of nations in all times to recur to the intervention of heaven and to honor the Gods for their own wisdom, so that the peoples, subject to the laws of the State as to those of nature, and recognizing the same power in the formation of man as in that of the city, obey with freedom and carry docilely the yoke of the public felicity.

In order to win over by divine authority those who would be unable to

be moved by human prudence, the legislator places into the mouth of the immortals the decisions of a sublime reason, far beyond the ken of vulgar men.* But it is not for every man to make the Gods speak nor to be believed when he announces himself to be their interpreter. The great soul of the Legislator is the true miracle which must vouch for his mission. Any man can engrave tables of rock, or buy an oracle, or feign a sacred commerce with some divinity, or train a bird to speak to him in the ear, or find other gross means to impose upon the people. He who knows only such things may be able to assemble by chance a troupe of fools, but he will never found an empire, and his outrageous work will soon perish with him. Empty tricks form an ephemeral bond; only wisdom renders it durable. The Jewish law, which still exists, that of the child of Ishmael which for ten centuries ruled half the world, still proclaims today the great men who laid it down. And while proud philosophy or the blind spirit of party sees in them only lucky imposters, the true political man admires in their foundations this great and powerful genius which presides over lasting establishments.

From all this it is not necessary to conclude with Warburton that politics and religion have among us a common object,²³ but that in the origin of nations, the one serves as the instrument of the other.

CHAPTER VIII

Of the People

As an architect, before erecting a great edifice, observes and explores the soil to see if it can support the weight, so the wise founder does not begin by drawing up laws good in themselves, but he examines first whether the people for whom they are destined are fit to support them. Thus Plato refused to give laws to the Arcadians and Cyreneans knowing that these two peoples were rich and could not put up with equality. It is for this reason that one saw good laws and wicked men in Crete, because Minos had only disciplined a people burdened with vices.

**And truly, says Machiavelli, there has never been in any country an extraordinary legislator who has not had recourse to God, because otherwise his laws would not have been accepted, and because there are many good things known by a prudent man for which there are not self-evident reasons persuasive to others. Discourses on Titus Livy. Book I. Chapter XI.²²*

A thousand nations have shone on earth which never could have put up with good laws, and even those who could have put up with good laws, had in all their history but very brief opportunities for that. Peoples²⁴ like men are only docile during their youth; they become incorrigible with age. When customs are once established and prejudices enrooted, it is a dangerous and useless enterprise to want to reform them. The people cannot even put up with someone probing their faults in order to eradicate them, which is similar to those stupid invalids without courage who tremble at the sight of the doctor.

As some sicknesses unhinge men's minds and deprive them of the memory of the past, there are sometimes in the history of States violent epochs when revolutions do to peoples what certain crises do to individuals, when horror of the past takes the place of forgetting and when the State, consumed by civil wars, is reborn, so to speak, from its ashes and regains the vigor of youth in escaping the arms of death. This was the case in Sparta during the time of Lycurgus, in Rome after the Tarquins, and among us in Holland and Switzerland after the expulsion of the Tyrants.

But these occurrences are rare. They are exceptions, the reason for which is always found in the particular constitution of the excepted State. They could not even happen twice to the same people, because a people can make itself free only as long as it is barbaric, but it can no longer do so when civil energy is exhausted. Then troubles can destroy a people without revolutions being able to reestablish it, and as soon as its chains are broken, it falls apart and no longer exists. Then what is necessary is a master not a liberator. Free peoples, remember this maxim: One can acquire freedom, but one can never recover it.

For Nations as for men, a time of maturity must be attained before submitting to laws;²⁵ but maturity of a people is not always easy to recognize, and if one acts too soon, the work is a failure. One people is able to be disciplined at birth, another is not at the end of ten centuries. The Russians will never be truly civilized, because they were civilized too soon. Peter had a genius for imitation. He did not have true genius, that which creates and makes everything from nothing. Some things he did were good, but most were out of place. He saw that his people were barbaric, but he did not see that they were not ripe for civilizing. He wanted to civilize them when only military discipline was needed. While he should have begun by making Russians, he first wanted to make Germans, English. He prevented his subjects ever becoming what they could be, by persuading them that they were what they are not. This is the

way that a french Preceptor forms his student, to shine for a moment in his infancy, and then never to be anything. The Russian Empire will want to subjugate Europe and will be itself subjugated. The Tartars, Russia's subjects or its neighbors, will become its masters and ours. This revolution appears to me unavoidable. All the Kings of Europe work together to accelerate it.

CHAPTER IX

Of the People — Continued

As nature has set bounds to the stature of a well-formed man beyond which she makes nothing but Giants or Dwarfs, similarly, with respect to the best constitution of a State, there are limits to the extent it can have, in order that it be neither too large to be able to be well governed, nor too small to be able to maintain itself by itself. There is in every body politic a *maximum* of force that it cannot exceed, and from which it often deviates by becoming larger. The more the social bond extends, the more it relaxes, and in general a small State is proportionally stronger than a large one.

A thousand reasons support this maxim. First, administration becomes more difficult over great distances, as a weight becomes heavier at the end of a longer lever. Administration also becomes more burdensome in proportion as the jurisdictions multiply, because each town first has its own administration which the people pay for, each district its own, again paid for by the people, then each province, the large governments, the Satrapies, the Vice-royalties which must be paid more and more the higher one goes, and always at the expense of the unhappy people. Finally comes the supreme administration which crushes all. So many surcharges continually debilitate the subjects. Far from being better governed by these different orders, the subjects are less well off than if they had only one above them. As it is, there are hardly resources left for extraordinary circumstances, and when it is necessary to have recourse to them, the State is always on the eve of its ruin.

This is not all; not only does the Government have less vigor and celerity to secure observance of the laws, to prevent vexations, to correct abuses, to foresee seditious undertakings which can arise in distant places, but the people have less affection for their rulers whom they never

see, for the fatherland which is to their eyes like the world, and for their fellow citizens who for the most part are strangers. The same laws cannot suit so many diverse provinces which have different "moeurs," which live in opposite climates, which cannot put up with the same form of government. Different laws only engender trouble and confusion among peoples who, living under the same rulers and in continual communication, intermingle and inter-marry, and, subject to various customs, never know if their patrimony is really their own. Talents are wasted, virtue ignored, vices unpunished among this multitude of men unknown to one another, which is brought together in the same place when the supreme administration is in session. The Rulers overwhelmed by affairs see nothing by themselves; clerks govern the State. Finally, in order to maintain the general authority, which so many distant officers want to escape or exploit, measures must be taken which absorb all the public goods, and none remain for the happiness of the people, and hardly any remain for its defense in case of need. It is in this way that a body too large for its constitution sinks and perishes, crushed by its own weight.

On the other hand, the State should give itself a sure base to have solidity, to resist the shocks that it is bound to experience, and for the efforts it will be constrained to make to sustain itself, because all peoples have a kind of centrifugal force by which they continually act against one another and tend to aggrandize themselves at the expense of their neighbors, like the vortices of Descartes. Thus weak peoples risk being soon swallowed up, and such a people can scarcely preserve itself except by putting it in a kind of equilibrium with all which makes the pressure everywhere a little more equal.

It can be seen from this that there are reasons for extending and for constricting, and it is not the least talent of the political man to find the most advantageous proportion between them for the preservation of the State. It can be said in general that the reasons for extending being only exterior and relative must be subordinate to those for constricting which are internal and absolute. A healthy and strong constitution is the first thing that must be sought, and one ought to count more on the vigor arising from a good government than on the resources that a large territory furnishes.

Moreover, States have been seen constituted in such a way that the necessity of conquest is a part of their very constitution, and to maintain themselves, they were forced to aggrandize themselves constantly. Perhaps they congratulated themselves on this happy necessity which

however could have shown them along with the limit of their greatness, the inevitable moment of their fall.

CHAPTER X

Of the People — Continued

A body politic may be measured in two ways: by the extent of its territory and by the number of people, and there is between these two measures a suitable proportion for giving a State its true greatness. It is men who make the State, and it is the terrain that nourishes the men. Thus the proportion is: terrain sufficient to sustain its inhabitants and as many inhabitants as the land can nourish. It is in this proportion that the *maximum* force of a given number of people is found, for if there is too much terrain, defending it is burdensome, cultivation insufficient, the produce superfluous: this is the proximate cause of defensive wars. If there is not enough terrain, the State finds itself at the discretion of neighbors for the deficiency: this is the proximate cause of offensive wars. Any people is inherently weak which, due to its position, has only an alternative between commerce and war. It is dependent upon its neighbors; it is dependent on events; it has only an uncertain and short existence. It conquers and changes its situation, or it is conquered and is nothing. It can only preserve itself in freedom by pettiness or greatness.

A fixed proportion cannot be established mathematically between a sufficient extent of land and a sufficient number of men, due as much to the differences which are found in the kinds of terrain, in its degrees of fertility, in the nature of its products, in the influence of climates, as to the differences noticed in the temperaments of the men who inhabit the terrains, some of whom consume little in a fertile country, others consume much on a barren soil. Moreover, it is necessary to pay attention to the varying fertility of women, to what may be more or less favourable to population in the country, to the number of settlers which the legislator can expect to settle there because of his establishments. Therefore, he must not base his judgment on what he sees but what he foresees, not stopping with the actual state of population but with what it ought naturally to reach. Finally there are a thousand occasions when particular accidents of place require or permit one to embrace more terrain than appears necessary. Thus, men will spread out more in a

mountainous country, where the natural products, the woods, the pastures, demand less work, where experience teaches that women are more fertile than in the plains, and where a great extent of sloping land affords only a small amount of flat land, which alone can be counted on for vegetation. On the other hand, men can draw closer together at the edge of the sea, even in rocky or nearly sterile desert areas, because there fish can in great part make up for products of the land, and because men must be more closely assembled to repel pirates and moreover have a greater ability to unburden the country of surplus population by colonies.

To these conditions for founding a people, one must be added which cannot take the place of any other but without which they are all useless: this is the enjoyment of abundance and peace. For the time when a State is set up, like the time when a battalion is formed, is the moment that the body is least capable of resistance and the most easily destroyed. The possibility of resistance is greater during absolute disorder than in a moment of fermentation, when each is concerned with his position not with the danger. If a war, a famine, a sedition were to happen in this time of crisis, the State is inevitably overthrown.

Admittedly, many governments have been established during these storms, but then these are the very governments which destroy the State. Usurpers always bring about or choose troubled times when, thanks to public terror, destructive laws can be enacted which the people would never adopt dispassionately. The choice of the moment for founding is one of the most sure characteristics by which the work of the Legislator can be distinguished from that of the Tyrant.

What people, then, is fit for legislation? One which, being already bound by some common origin, interest or convention, has not yet borne the true yoke of laws; one which has neither deeply rooted customs nor superstitions; one which does not fear being overcome by a sudden invasion; one which, without intervening in quarrels of its neighbors, can resist any of them singly, or can aid one to repel another; one in which each member can be known by all, and where one is not forced to impose on a man a greater burden than he is able to bear; one which can do without other peoples and which every other people can do without;* one which is neither rich nor poor and can be self-sufficient; finally, one which

*If of two neighboring peoples one could not do without the other, this would be a very difficult situation for the one and a very dangerous situation for the other. In such a case, every wise nation will hasten to deliver the other from this dependence. The Republic of Thlascale, surrounded by the Empire of Mexico, preferred to do without salt than to buy it from the Mexicans and even to accept it as a gift. The wise Thlascaleans saw the trap hidden under this liberality. They preserved their

can unite the stability of an ancient people with the malleability of a new people. What makes the work of legislation difficult is less what must be established than what must be destroyed, and what makes success so rare is the impossibility of finding the simplicity of nature joined to the needs of society. All these conditions, it is true, are difficult to find combined. Also few well constituted States are seen.

In Europe there is a country still capable of legislation, the Island of Corsica. The valor and constancy with which this brave people has recovered and defended its liberty could well merit some wise man teaching it to preserve itself. I have a kind of presentiment that one day this Island will astonish Europe.

CHAPTER XI

Of the Different Systems of Legislation

Investigating precisely what makes up the greatest good of all, which ought to be the end of every system of legislation, one will find that it is reduced to these two principal objects, *freedom* and *equality*. Freedom because all individual dependence is so much force withdrawn from the body of the State; equality because freedom cannot exist without it.

I have already said what civil freedom is. As for equality, it is not necessary to understand by this word that the degrees of power and riches be absolutely the same, but rather that power never rise to violence and never be exercised except by virtue of office and laws, and as for riches that no citizen be wealthy enough to be able to buy another and no one so poor to be constrained to sell himself. This supposes on the part of the great, moderation of goods and influence, and on the part of the humble, moderation of avarice and covetousness.*

freedom, and this little State, enclosed in this Great Empire, was eventually the instrument of the Empire's ruin.

*Do you then want to give stability to the State, to bring the two extremes as closely together as possible? Then allow neither wealthy people nor beggars. These two conditions, naturally inseparable, are equally fatal to the common good. From the one arise the supporters of tyranny and from the other the tyrants. It is always between them that trafficking in the public freedom takes place; one buys it, the other sells it.

This equality, some say, is a speculative chimera which cannot exist in practice. But if the abuse is inevitable, does it not follow that it is necessary at least to regulate it? It is precisely because the force of things tends to destroy equality that the force of legislation ought always to tend to maintain it.

But these general objects of every good founding ought to be modified in each country by the circumstances which arise as much from the local situation as from the character of the inhabitants, and it is on the basis of these circumstances that it is necessary to assign to each people a particular system of institutions, which may be best, not perhaps in itself, but for the State for which it is destined. For example is the soil barren and sterile, or the country too confined for the inhabitants? Turn to industry and the arts, whose products you exchange for the provisions you lack. On the other hand, do you occupy rich plains and fertile slopes? With a good terrain, do you lack inhabitants? Give all your attention to agriculture which increases population, and expel the arts which only achieve the depopulation of the country, by grouping in certain places of the territory the few inhabitants it has.* Do you occupy an extended and convenient coast? Cover the sea with ships, cultivate commerce and navigation. You will have a brilliant and short existence. On your coast, does the sea break only on almost inaccessible rocks? Remain barbaric and Ichthyophagous. You will thereby live more tranquilly, perhaps better, and surely more happily. In a word, apart from the maxims common to all, each People contains in itself some cause which orders these maxims in a particular manner and renders its legislation suited to itself alone. Thus formerly the Hebrews and recently the Arabs have had Religion as their principal object, the Athenians letters, Carthage and Tyre commerce, Rhodes shipping, Sparta war, and Rome virtue. The Author of *The Spirit of the Laws* has shown by a multitude of examples by what art the legislator directs the founding toward each of these objects.²⁷

What renders the constitution of a State really solid and durable is such careful observation of what is appropriate that natural circumstances and the laws always fall into harmony on the same points, and these laws serve only, so to speak, to assure, accompany, rectify the natural circumstances. But if the Legislator, mistaken in his object, takes a different principle from that arising from the nature of things, when the

*Any kind of external commerce, says M. d'A.,²⁶ provides only a false utility for a kingdom in general; it may enrich some individuals, even some towns, but the entire nation gains nothing from it, and the people are not better off for it.

one tends toward servitude and the other to freedom, the one to riches and the other to population, the one to peace and the other to conquest, then the laws will be seen to deteriorate, the constitution to change, and the State will not cease being agitated until it is destroyed or changed and invincible nature has resumed her empire.

CHAPTER XII

Division of the Laws

To order the whole, or to give the best possible form to the public thing,²⁸ there are various relations to consider. First, the action of the entire body acting on itself, that is to say the relation of the whole to the whole, or of the Sovereign to the State, and this relation is composed of the relation of the intermediate terms, as we shall see hereafter.

The laws which regulate this relation bear the name of political laws, and are also called fundamental laws, not without some reason if these laws are wise. For if there is in each State only one good way to order it, the people which have discovered it ought to hold fast to it. But if the established order is bad, why should those laws be taken as fundamental which prevent it from being good? Besides, a people is in every case always the master when it comes to changing its laws, even the best; for if it pleases a people to do itself harm, who has the right to prevent it?

The second relation is of the members among themselves which ought to be as minimal as possible or with the entire body which ought to be as great as possible, so that each Citizen is in a perfect independence from all the others and in an extreme dependence on the City — which always happens by the same means, for it is only the force of the State which secures the freedom of its members. It is from this second relation that civil laws arise.

One can consider a third sort of relation between man and the law, that of law-breaking to punishment, and this gives rise to the establishment of criminal laws, which at bottom are less a particular kind of law, than the sanction for all the others.

To these three kinds of laws, a fourth is joined, the most important of all, which is not engraved on marble or brass but in the hearts of citizens, which forms the true constitution of the State, and every day acquires new forces, which, when the other laws age or are extinguished,

reanimates or replaces them. It preserves a people in the spirit of its founding, and insensibly substitutes the force of habit for that of authority. I speak of “moeurs,” customs, and above all opinion, that part of law unknown to our political men but on which depends the success of all other parts, that part with which the great Legislator secretly concerns himself while appearing to confine himself to particular regulations which are only the arch of the vault, while “moeurs,” slower to develop, finally form the immovable keystone.

Among these various Classes, the political laws, which constitute the form of Government, are the ones relevant to my subject.

End of the Second Book

BOOK III

Before speaking of the various forms of Government, let us try to fix the precise sense of this word, which has not yet been very well explained.

CHAPTER I

Of Government in General

I warn the reader that this chapter should be read very seriously, and that I do not know the art of being clear to whoever does not want to be attentive.

Every free action is produced by the concurrence of two causes, one moral, namely the will which determines the act, the other physical, namely the power which executes it. When I walk towards an object, first it is necessary that I should will to go there; second, that my feet carry me there. If a paralytic wills to run or an agile man does not will it, both shall remain where they are. The body politic has the same motive power, and one can also distinguish here between force and will, the latter under the name of *legislative power*, the other under the name of *executive power*. Nothing is done or should be done without their concurrence.

We have seen that the legislative power belongs and can only belong to the people. It is easy to see, on the other hand, by the principles

established above, that the executive power cannot belong to the generality as Legislature or Sovereign, because this power only consists in particular acts which are not within the province of the law, nor consequently within that of the Sovereign, all of whose acts can only be laws.

It is therefore necessary that the public force have an agent of its own which unites it and puts it to work according to the directions of the general will, which serves as the means of communication between the State and the Sovereign, and which in some way does in the public person what the union of soul and body does in man. Here is the reason in the State for Government, wrongly confused with the Sovereign, of which it is only the minister.

What then is the Government? an intermediary body established between the subjects and the Sovereign for their mutual communication, charged with the execution of the laws and with the maintenance of freedom, civil as well as political.

The members of this body are called Magistrates or *Kings*, that is to say, *Governors*, and the entire body carries the name *Prince*.^{*} Thus those who pretend that the act by which a people submits itself to rulers is not a contract are entirely correct. This is absolutely nothing but a commission, an office in which simple officers of the Sovereign exercise in its name the power of which the Sovereign has made them depositories, and which the Sovereign can limit, modify and take back when it pleases to do so, the alienation of such a right being incompatible with the nature of the social body and contrary to the end of the association.

I therefore call *Government* or supreme administration the legitimate exercise of the executive power, and *Prince* or magistrate, the man or the body charged with this administration.

It is in the Government that the intermediary forces are found, whose relations comprise that of the whole to the whole or of the Sovereign to the State. This last relation can be represented by the extremes of a continuous proportion, of which the proportional mean is the Government.²⁹ The Government receives from the Sovereign the orders which it gives to the people, and for the State to be in good equilibrium, it is necessary, everything adjusted, that there be equality between the product or the power of Government taken in itself and the product or the power of the citizens who are sovereigns on the one hand and subjects on the other.

^{*}Thus in Venice, the college is given the name of *most serene Prince*, even when the Doge is not present.

Furthermore, none of these three terms can be altered without instantly destroying the proportion. If the Sovereign wants to govern, or if the magistrate wants to give the laws, or if the subjects refuse to obey, disorder takes the place of regularity, force and will no longer act in concert, and the dissolved State thus falls into despotism or anarchy. Finally, as there is only one proportional mean between each relation, there is but one good government possible in a State. But a thousand events can change the relations among a people. Not only can different Governments be good for various peoples, but for the same people at different times.

To try to give an idea of the various relations which can exist between these two extremes, I shall take as an example the number of people, as a relation most easy to express.

Suppose that the State is composed of ten thousand Citizens. The Sovereign can only be considered collectively and as a body, but each particular person as a subject is considered as an individual. Thus the Sovereign is to the subject as ten thousand is to one, that is to say that each member of the State has as his share only one ten thousandth of the sovereign authority, although he submits himself to it entirely. If the people were composed of a hundred thousand men, the condition of the subjects does not change, and each one bears equally the whole empire of the laws, while his vote, reduced to one hundred thousandth, has ten times less influence on their drafting. So the subject always remains one, while the ratio of him to the Sovereign augments as the number of Citizens increases. It follows that the larger the State becomes, the more freedom diminishes.

When I say that the ratio augments, I mean that it becomes more distant from equality. Thus the greater the ratio in a Geometrical sense, the smaller the ratio, ordinarily speaking. In the first, the ratio considered according to quantity is measured by the quotient, and in the other, the ratio considered according to identity is estimated by similarity.

Now, the smaller the ratio between particular wills and the general will, that is to say between "moeurs" and laws, the more the repressive force must increase. Thus, the Government, to be good, must be relatively stronger as the people are more numerous.

On the other hand, as the increasing size of the State provides the depositories of the public authority more temptations and more means to abuse their power, the more force the Government must have to contain the people, the more force the Sovereign, in its turn, must have to contain the Government. I am not speaking here of an absolute force, but of the

relative force of the various parts of the State.

It follows from this double ratio that the continuous proportion between the Sovereign, the Prince, and the people is not an arbitrary idea but a necessary consequence of the nature of the body politic. It also follows that one of the extremes, namely the people as subject, being fixed and represented by unity, everytime the double ratio increases or decreases, the simple ratio similarly increases or decreases, and that consequently the middle term is changed. This shows that there is not a single and absolute constitution for Government, but there can be as many Governments different in nature as States different in size.

If someone trying to ridicule this system were to say that to find this proportional mean and to form the body of the Government it is only necessary, according to me, to take the square root of the number of people, I would answer that I only use this number here as an example, that the ratios of which I speak are not established merely by the number of men, but in general by the amount of activity, which is the combination of multitudes of causes. And moreover if, to express myself in fewer words, I borrow for a moment the terms of geometry, I am not, however, unaware that geometric precision has no place in moral matters.

Government is on a small scale what the body politic, which includes it, is on a large scale. It is a moral person endowed with certain faculties, active like the Sovereign, passive like the State, and it can be broken down into other similar relations, from which a new proportion consequently arises, and yet another arises within this new proportion according to the arrangement of magistracies, until one arrives at an indivisible middle term, that is to say at a single ruler or supreme magistrate, which can be represented in the middle of this progression, as the unity between the series of fractions and the series of whole numbers.

Without encumbering ourselves with this multiplication of terms, let us be content to consider the Government as a new body in the State, distinct from the people and from the Sovereign, and intermediary between them.

There is this essential difference between these two bodies, that the State exists by itself, and that the Government exists only through the Sovereign. Thus the dominant will of the Prince is and should only be the general will or the law. His force is only the public force concentrated in him. As soon as he wants to undertake on his own some absolute and independent act, the bond of the whole begins to relax. Finally if it happens that the Prince has a particular will more active than that of the Sovereign, and he used the public force in his hands to enforce obedience

to this particular will, so that one had, so to speak, two Sovereigns, one by right, the other in fact, at that instant the social union would vanish and the body politic would be dissolved.

However, for the body of Government to have an existence, a real life which distinguishes it from the body of the State, for all its members to be able to act together and fulfill the end for which it is instituted, it must have a particular *I*, a sensibility common to its members, a force, a will of its own which tends to its preservation. This particular existence presupposes assemblies, councils, a power to deliberate, to resolve; rights, titles, privileges which belong exclusively to the Prince and make the position of the magistrate more honorable in proportion to its arduousness. The difficulties are in the manner of ordering this subordinate whole within the larger whole, in such a way that it does not alter the general constitution while strengthening its own, that it always distinguishes its particular force designed for its own preservation from the public force designed for the preservation of the State, and that, in a word, it is always ready to sacrifice the Government to the people and not the people to the Government.

Moreover, even though the artificial body of the Government is the work of another artificial body, and even though in a certain sense it has only a borrowed and subordinate life, that does not prevent its being able to act with more or less vigor or celerity, to enjoy, so to speak, more or less robust health. Finally, without departing directly from the end of its institution, it can deviate from it more or less, according to the way in which it is constituted.

It is all these differences that give rise to the various relations that the Government should have with the body of the State, in accordance with the accidental and particular relations by which this same State is modified. For often that Government which is best in itself will become more vicious, if these relations are not altered in accordance with the defects of the body politic to which it belongs.

CHAPTER II

Of the Principle Which Constitutes
the Different Forms of Government

To set forth the general cause of these differences, it is necessary to distinguish here between the Prince and the Government, as I have already distinguished between the State and the Sovereign.

The body of the magistrate may be composed of a greater or lesser number of members. We have said that the ratio of Sovereign to subjects is greater as the people are more numerous, and by an obvious analogy we can say the same of the ratio of the Government to the Magistrates.

But the total force of the Government being always that of the State, it does not vary; from which it follows that the more it uses this force on its own members, the less remains to act on the whole people.

Hence the more numerous the Magistrates, the weaker the Government. As this maxim is fundamental, let us try to make it clearer.

We can distinguish in the person of the magistrate three essentially different wills. First, the individual's own will, which tends only to his particular advantage; second, the common will of the magistrates, which is solely concerned with the advantage of the Prince and which one can call the corporate will, which is general in relation to the Government and particular in relation to the State of which the Government is part; in the third place, the will of the people or the sovereign will, which is general as much in relation to the State considered as the whole as in relation to the Government considered as part of the whole.

In perfect legislation, the particular or individual will would be nothing, the corporate will of the Government would be very subordinated, and consequently the general or sovereign will would always be dominant and the sole rule for all the others.

According to the natural order, on the contrary, these different wills become more active as they are concentrated. Thus the general will is always the weakest, the corporate will next, and the particular will strongest of all, so that in the Government each member is first himself, then Magistrate, and then citizen: an order directly opposed to that required by the social order.

Suppose that the whole Government is in the hands of one man. Then the particular will and the corporate will are perfectly united, and consequently the latter is raised to the highest possible degree of intensity.

But, as it is upon the degree of will that the use of force depends, and the absolute force of the Government does not vary, it follows that the most active of Governments is that of a single person.

On the other hand, let us unite the Government and the legislative authority, make the Prince the Sovereign and all the Citizens magistrates. Then the corporate will, identified with the general will, shall not be more active than the general will and this shall leave the particular will in all its force. Thus the Government, always with the same absolute force, shall be left with a *minimum* of relative force or activity.

These relations are incontestable, and other considerations serve to confirm them further. It can be seen, for example, that each magistrate is more active in the government than each citizen in the state, and that consequently the particular will has much more influence on the acts of Government than on those of the Sovereign, because each magistrate is almost always charged with some function of Government, while each citizen taken singly has no function of sovereignty. However, the more the State expands, the more its real force increases, although it does not increase in proportion to its expansion; but the State remaining the same, the magistrates proliferate while the Government does not acquire from that a greater real force, because this force is that of the State, whose amount is always the same. Thus the relative force or activity of the Government diminishes without its absolute or real force being able to increase.

Moreover, it is certain that affairs are conducted more slowly as more people are charged with them. By emphasizing prudence too much, insufficient emphasis is given to fortune; opportunities are allowed to escape, and because of deliberating, the fruit of deliberation is often lost.

I have just proved that the Government relaxes as magistrates proliferate, and I have already proved that the more numerous the people, the more repressive force must increase. From this it follows that the relation of the magistrates to the Government must be the inverse of that between the subjects and the Sovereign. That is to say that, the larger the State becomes, the more the Government must reduce itself, so that the number of rulers decreases in proportion to the increase of the people.

Moreover, I am only speaking here of the relative force of the Government, and not of its rectitude, for, on the contrary, the more numerous is the magistracy, the more closely the corporate will approaches the general will, while under only one magistrate this same corporate will is only, as I have said, a particular will. Thus what one loses on the one side, one can gain on the other, and the art of the Legislator is

to know how to determine the point where the force and the will of the Government, always in a reciprocal proportion, are combined in the ratio most advantageous to the State.

CHAPTER III

Division of Governments

It has been seen in the preceding chapter why one distinguishes the various types or forms of Government by the number of members which compose them. In this chapter it remains to be seen how this division is made.

In the first place, the Sovereign may deposit the Government in the hands of all the people, or of the larger part of the people, so that there are more citizen magistrates than ordinary individual citizens. This form of Government is given the name of *Democracy*.

Or, the Sovereign may place the Government in the hands of only a small number, so that there are more ordinary citizens than magistrates, and this form bears the name *Aristocracy*.

Finally, the Sovereign may concentrate all the Government in the hands of a single magistrate from whom all the others derive their power. This third form is the most common, and is called *Monarchy* or royal Government.

It should be noticed that all these forms or at least the first two admit of degree, and even have a fairly great latitude, because Democracy may embrace all the people or confine itself to only half. Aristocracy in its turn may include anywhere from half the people to the smallest number. Even Royalty is susceptible to some division. Sparta constantly had two kings as provided by its constitution, and in the roman empire up to eight Emperors were seen at a time, without being able to say that the Empire was divided. Thus there is a point where each form of Government blends into the next, and even under this three-fold classification, it can be seen Government is really susceptible to as many different forms as the State has Citizens.

There is more: this same Government is able in certain respects to be subdivided into other parts, one administered in one way, another in another way, and from the combination of these three forms can result a multitude of mixed forms, each of which can be multiplied by all the

simple forms.

The best form of Government has been debated in all ages, without considering that a given form is the best in certain cases and the worst in others.

If in different states, the number of supreme magistrates should be in inverse proportion to the number of Citizens, it follows that in general Democratic Government suits small States, Aristocracy suits medium sized ones, and Monarchy large ones. This rule is derived immediately from the principle, but how numerous the exceptions which the multiplicity of circumstances can furnish!

CHAPTER IV

Of Democracy

Whoever makes the law knows better than anyone how it should be executed and interpreted. It seems then that no better constitution could be had than one where the executive power is joined to the legislative. But it is exactly this which makes this Government deficient in certain respects, because the things which ought to be separated are not, and the Prince and the Sovereign, being the same person, form, so to speak, a Government without Government.

It is not good that whoever makes the laws executes them, nor is it good that the body of people turns its attention from general views to particular objects. Nothing is more dangerous than the influence of private interests in public affairs, and the abuse of the laws by the Government is a lesser evil than the corruption of the Legislator which follows inexorably from particular views. Then all reform becomes impossible, the State having been altered in its substance. A people that would never abuse Government would also not abuse independence; a people that would always govern well would not need to be governed.

In the strict sense of the term, there has never been a true Democracy, and one will never exist. It is contrary to the natural order for the great number to govern and for the small number to be governed. It is unimaginable that the people would always stay assembled to attend public affairs, and it is easily seen that the people could not establish committees for this purpose without the form of administration changing.

In fact, I believe I can lay down as a principle that when the functions of Government are divided among several magistracies, the less numerous will sooner or later acquire the greatest authority, if only because the facility of expediting affairs leads naturally to the few acquiring authority.

Besides, how many things difficult to reconcile does this government presuppose! First, a very small State where the people may easily be assembled and where each citizen may easily know all the others. Second, a great simplicity of “moeurs” which prevents a multiplicity of affairs and thorny discussions. Next, great equality of ranks and fortunes, without which equality of rights and authority could not endure. Finally, little or no luxury, for, whether luxury is the result of riches, or makes them necessary, it corrupts both the rich and the poor, one by possession the other by covetousness. Luxury betrays the fatherland for the sake of softness and vanity. It deprives the State of all its Citizens, makes them slaves to one another, and makes all of them slaves to opinion.

This is why a celebrated Author has made virtue the principle of Republics, for all these conditions could not exist without virtue.³⁰ But having failed to make the necessary distinctions, this great mind has often lacked precision and sometimes clarity, and has not seen that because the Sovereign authority is the same everywhere, the same principle should have a place in every well-constituted State, more or less, it is true, according to the form of Government.

We add that there is no Government so subject to civil wars and internal convulsions as Democratic or popular Government, because there is none that tends so strongly and continually to change its form, none that demands more vigilance and courage to maintain its form. This constitution above all requires that the Citizen arm himself with force and perseverance and say from the bottom of his heart every day of his life what a virtuous Palatine said in the Diet of Poland: “Better dangerous liberty than quiet slavery.”*³¹

If there were a people of Gods, it would be governed Democratically. A Government so perfect is not suited to men.

*The Palatine of Posen, father of the King of Poland, Duke of Lorraine.

CHAPTER V

Of Aristocracy

Here we have two very distinct moral persons, the Government and the Sovereign, and consequently, two general wills, one belonging to all the citizens, the other belonging to the members of the administration. Therefore, although the Government may regulate its internal policy as it pleases, it can never speak to the people but in the name of the Sovereign, that is to say in the name of the people itself — something which must never be forgotten.

The first societies governed themselves aristocratically. The rulers of families deliberated among themselves on public affairs. The young people without reluctance yielded to the authority of experience. Hence the names Priests, elders, senate, Gerontes.³² In our day the savages of north America still govern themselves in this way and are very well governed.

But to the extent that instituted inequality prevailed over natural inequality, riches or power* were preferred to age, and Aristocracy became elective. Finally the power bequeathed along with the goods of the father to his children made families patrician and consequently Government hereditary, and twenty year old Senators appeared.

There are then three kinds of Aristocracy: natural, elective, and hereditary. The first is only suited to simple peoples; the third is the worst of all Governments. The second is best: it is Aristocracy properly speaking.

Besides the advantage of distinguishing between two powers, elective Aristocracy also has the advantage of choosing its members. For in popular Government all the Citizens are born magistrates, while here magistracy is limited to a small number, and they become such only by election;** the means by which probity, enlightenment, experience and all other reasons for public preference and esteem become so many new guarantees of being wisely governed.

Moreover, assemblies are more easily convened, affairs are better

*It is clear that the word *Optimates* among the ancients did not mean the best but the most powerful.

**It is of great importance to regulate by laws the form of election of magistrates, for if abandoned to the will of the Prince, one inevitably falls into hereditary Aristocracy, as has happened to the Republics of Venice and Berne. The first of these has been a dissolved State for a long time, but the second is maintained by the extreme wisdom of its Senate; it is a very honorable and very dangerous exception.

discussed, and dispatched with more order and diligence, the influence of the State is better sustained among foreigners by venerable senators than by an unknown or mistrusted multitude.

In a word, the best and most natural order is that in which the wisest govern the multitude, if it is certain that they will govern for its benefit and not for their own. It is not necessary to multiply departments uselessly, nor to do with twenty thousand men what one hundred chosen men can do better. But it is necessary to note that the corporate interest here begins to direct the public force less strictly in accordance with the rule of the general will, and that another inevitable propensity is to take from the laws a part of the executive power.

With respect to particular circumstances, it is not necessary to have either a State so small or a people so simple and so upright that the execution of the laws immediately follows from the public will, as in a good Democracy. Alternatively, it is not necessary to have so large a nation that the rulers, who are spread out in order to govern, can each be cut off in his region from the Sovereign and begin to become independent in order to become master.

Certain virtues required by popular Government are less necessary in Aristocracy. Nonetheless, it does require some others of its own, such as moderation among the rich and contentment among the poor, for it seems that a rigorous equality would be out of place here; it was not even observed in Sparta.

Moreover, if this form entails a certain inequality of fortune, that is good because in general the administration of public affairs is confided to those who can best give it all their time, but not as Aristotle claims, that inequality of fortune is good because the rich would always be preferred.³³ On the contrary, it is important that an opposite choice sometimes teach the people that the merit of men is a more important reason for preference than riches.

CHAPTER VI

Of Monarchy

So far we have considered the Prince as a moral and collective person, united by the force of the laws, and the depository of the executive power in the State. We now have to consider this power concentrated in the hands of a natural person, a real man, who alone has the right to dispose of it in accordance with the laws. This is what is called a Monarch or a King.

Completely contrary to the other administrations, where a collective being represents an individual, here an individual represents a collective being; so that the moral unity which constitutes the Prince is at the same time a physical unity, in which all the faculties which the law unites with so much effort in the other administrations are naturally united.

Thus the will of the people and the will of the Prince, and the public force of the State and the particular force of the Government, all respond to the same motive power. All the levers of the machine are controlled by the same hand, all move towards the same end. There are no opposed movements to cancel each other, and no kind of constitution can be imagined in which less effort produces a more notable action. Archimedes sitting quietly on the shore and effortlessly launching a great ship represents for me a skillful monarch governing his vast States from his chamber and making everything move while himself appearing immobile.

But if there is no Government which has more vigor, there is none where the particular will has more empire and more easily dominates the others. It is true that everything moves towards the same end, but this end is not public felicity, and the very force of the Administration ceaselessly turns to the prejudice of the State.

Kings want to be absolute. From afar one cries to them that the best means of being so is to make themselves loved by their peoples. This maxim is very fine and even true in some respects. Unhappily, it is always mocked in Courts. The power that comes from the love of the peoples is without doubt the greatest, but it is precarious and conditional. Princes will never rest content with it. The best Kings want to be able to be wicked if they please without ceasing to be masters. A political sermonizer may tell them in vain that because the force of the people is their own, their greatest interest is that the people be flourishing, numerous, formidable. Kings know very well that this is not true. Their personal interest is first

that the People be weak, miserable and never able to resist them. Supposing subjects always perfectly obedient, I assert that the interest of the Prince then would be for the people to be powerful, so that this power being his own would make him formidable to his neighbors. But as this interest is only secondary and subordinate and as the two suppositions are incompatible, it is natural that Princes always prefer the maxim which is most immediately useful to them. This reasoning is what Samuel presented so strongly to the Hebrews³⁴ and what Machiavelli substantiated. While feigning to give lessons to Kings, he gave great lessons to peoples. *The Prince* of Machiavelli is the book of republicans.*

In the discussion of general ratios we have found that monarchy is suited only to large States, and we find it again by examining monarchy itself. The more numerous the public administration, the more the ratio of the Prince to subjects decreases and approaches equality, so that this ratio is one to one or that very equality found in Democracy. This same ratio increases as the Government is reduced, and it is at its *maximum* when the Government is in the hands of a single man. Then there is too great a distance between the Prince and the People, and the State lacks connecting bonds. To form them, intermediary orders are needed and Princes, the Great, and nobility to fill them. Now, none of this is suited to a small State, which would be ruined by all these distinctions of rank.

But if it is difficult for a large State to be well governed, it is much more difficult for it to be well governed by a single man, and everyone knows what happens when the King rules through deputies.

An essential and inevitable defect, which will always put monarchical government below republican, is that in the latter the public voice almost always raises only enlightened and capable men to the highest offices which they fill with honor, instead of those who succeed in monarchies and are most often only petty bunglers, petty rascals, petty intriguers, whose petty talents attain great offices at Courts; such men only demonstrate their ineptitude to the public as soon as they have attained them. The people are much less deceived in this choice than the Prince, and a man of true merit is almost as rare in the ministry as a fool in a republican government. Thus, when by some happy chance, one of these men born to

*Machiavelli was an honorable man and a good citizen. But attached to the house of the Medici, he was forced during the oppression of his fatherland to disguise his love of freedom. The mere choice of his execrable Heroes is sufficient to show his secret intention. And the opposition of the maxims of his *Book the Prince* to those of his discourses on Titus Livy and his history of Florence demonstrates that this profound political man has until now only had superficial and corrupt readers. The Court of Rome has severely prohibited his book; I believe it. For it is this Court that the book depicts most clearly.^{34a}

govern takes the helm of affairs in a Monarchy almost ruined by these swarms of roguish administrators, one is completely surprised by the resources he finds, and his reign marks an epoch in a country.

For a monarchical State to be able to be well governed, it would be necessary that its greatness and extent be proportional to the faculties of whoever governs. It is easier to conquer than to rule. Given an adequate lever, one could move the world with a finger, but to support it the shoulders of Hercules are needed. However small a State may be, the Prince is almost always too small. When on the contrary it happens that the State is too small for its ruler, which is very rare, it is still badly governed, because the ruler, always having his sights fixed on greatness, forgets the interests of the peoples. The abuse of the talents which he has in excess makes the peoples no less unhappy than would a ruler limited by a lack of talents. It would be necessary, so to speak, for a kingdom to expand or contract with each reign according to the capacity of the Prince. But because the talents of a Senate are more stable, the State can have constant boundaries and the administration fares no less well.

The most readily felt inconvenience of Government by a single person is the want of a continual succession which forms an uninterrupted continuity in the two others. A King dies and another is needed. Elections leave dangerous intervals which are stormy, and, unless the Citizens are disinterested and honest, which this Government hardly admits of, intrigue and corruption abound. It is difficult for one to whom the State has been sold not to sell it in his turn, and not to compensate himself at the expense of the weak for the money that the powerful have extorted from him. Sooner or later everyone becomes venal under such an administration, and the peace then enjoyed under kings is worse than the disorder of interregnums.

What has been done to prevent these evils? Crowns have been made hereditary in certain families, and an order of Succession has been established which prevents all dispute upon the death of Kings: that is to say, that substituting the inconvenience of regencies for that of elections, specious tranquility has been preferred to a wise administration, the risk of having children, monsters, imbeciles for rulers has been preferred to having to debate the choice of good kings. It has not been considered that in thus being exposed to the risks of this alternative, all the odds are against you. The young Dionysius made a very sensible remark when his father reproached him for a shameful action saying: "Did I set you such an example?" "Ah," replied the son, "your father was not king."³⁵

If a man is brought up to command others, everything conspires to

deprive him of justice and reason. Much trouble is taken, we are told, to teach young Princes the art of ruling. It does not seem that this education benefits them. It would be better to begin by teaching them the art of obeying. The greatest kings which history celebrates were not brought up to rule. This is a science which is never possessed less than after having studied it too much and is better acquired by obeying than commanding. *The best as well as the shortest way to find out what is good and what is bad is to consider what you would have wanted to happen if someone else had been Prince.*^{*36}

One consequence of this lack of coherence is the instability of royal government which, sometimes ruled according to one plan and sometimes another depending on the character of the Prince who reigns or of the people who reign for him, cannot for any period of time have a fixed objective or consistent conduct. This vacillation always makes the State fly from maxim to maxim, from project to project, something which does not happen in the other Governments where the Prince is always the same. In general, it is also seen that as there is more cunning in a Court, there is more wisdom in a Senate, and that Republics proceed to their ends by more constant and better followed courses. But in a situation where each revolution in the Ministry produces one in the State, this maxim is followed by all Ministers and almost all Kings: to reverse everything done by their predecessor.

A consideration of this same incoherence also provides a refutation of a sophism very common among royalist political thinkers. The error of these men is not only comparing civil Government to domestic Government and the prince to the father of a family, which has already been refuted, but the error of freely attributing to this magistrate all the virtues he needs, and of always assuming that the Prince is what he ought to be. Given this assumption royal Government is evidently preferable to any other, because it is incontestably the strongest, and in order to be also the best it only lacks a corporate will more in conformity with the general will.

But if, according to Plato,** a King by nature is a very rare person, how often will nature and fortune come together to crown him, and if royal education necessarily corrupts those who receive it, what can be expected of a succession of men brought up to rule? It is therefore wanton self-deception to confuse royal Government with that of a good king. To see what this Government is in itself, it is necessary to consider it under

*Tacitus, History, Book I.

**In *Civili*.³⁷

mediocre or wicked Princes, for they will be such upon ascending the Throne, or the Throne will make them such.

These difficulties have not escaped our Authors, but they are not bothered by them. The remedy, they say, is to obey without murmur. God in his anger gives bad kings, and they must be supported as chastisements from Heaven. This discourse is doubtless edifying, but I do not know if it is not better suited to a pulpit than to a book on politics. What is to be said of a Doctor who promises miracles, and whose whole art is to exhort the sick to patience? It is well known that it is necessary to endure an existing bad Government; the question would be to find a good one.

CHAPTER VII

Of Mixed Governments

Strictly speaking, there is no simple Government. A single Ruler has to have subordinate magistrates; a popular Government has to have a Ruler. Thus in the division of the executive power, there is always gradation from the greater to the lesser number, with this difference that sometimes the greater number depends on the smaller, and sometimes the smaller on the greater.

Sometimes there is equal division, when the constituent parts are in a mutual dependence, as in the Government of England, or when the authority of each part is independent but imperfect, as in Poland. The last form is bad, because there is no unity in the Government, and the State lacks a connecting bond.

Which is better, a simple Government or a mixed Government? This is a much debated question among political thinkers, to which the same answer must be given as I gave before concerning every form of Government.

Simple Government is inherently better, merely because it is simple. But when the executive Power is not dependent enough on the legislative, that is to say, when there is a closer relation between Prince and Sovereign than between People and Prince, this lack of proportion must be remedied by dividing the Government, for then all its parts have no less authority over subjects, and their division makes them together less strong against the Sovereign.

The same inconvenience is also prevented by establishing intermediary

magistrates, who leave the Government whole, and serve only to balance the two powers and to maintain their respective rights. Then the Government is not mixed; it is tempered.

The opposite inconvenience can be remedied by similar means. When the Government is too lax, Tribunals can be set up to concentrate it. This is practiced in all Democracies. In the first case, one divides the Government to weaken it, and in the second to strengthen it, for the *maxima* of force and of weakness are both found in simple Governments, while the mixed forms provide a mediating force.

CHAPTER VIII

That Every Form of Government Is Not Suited to Every Country

Freedom not being a fruit of all Climates is not within the capacity of all peoples. The more one meditates on this principle, established by Montesquieu,³⁸ the more one senses its truth. The more it is challenged, the more opportunities are provided to establish it by new proofs.

In all Governments of the world, the public person consumes, but produces nothing. Where does the substance that it consumes come from? From the work of its members. It is the surplus of individual production which provides the necessities for the public. From which it follows that the civil state cannot exist unless the work of men exceeds their needs.

But this excess is not the same in all the countries of the world. In some it is considerable, in others middling, in others nil, in others negative. This ratio depends on the fertility of the climate, on the kind of work required by the land, on the nature of its products, on the strength of its inhabitants, on the greater or less consumption which they require, and on several other similar circumstances of which the ratio is composed.

On the other hand, all Governments do have the same nature; there are some more and some less voracious, and these differences are founded on this other principle that the more distant public contributions are from their source, the more burdensome they are. This burden must not be measured in terms of the quantity of impositions but in terms of the distance they have to go to return to the hands from which they came. When this circulation is prompt and well-established, whether one pays little or much is not important; the people are always rich and finances are

always healthy. On the contrary, however little the People give, when this little does not come back to them, soon the people are exhausted by always giving; the State is never rich, and the people are always impoverished.

It follows that the farther away the people get from the Government, the more burdensome tribute becomes. Thus in Democracy the people are least burdened; in Aristocracy, more; in Monarchy they bear the greatest burden. Monarchy therefore is suited only to wealthy nations, Aristocracy to States of middling riches and size, Democracy to small and poor States.

In fact, the more one reflects on this, the more one finds here the difference between free States and monarchies. In the free States, everything is used for the common utility; in monarchy, public and private forces are reciprocal, and the one is increased by the enfeeblement of the other. Finally, instead of governing the subjects to make them happy, despotism makes them miserable in order to govern them.

There are then natural causes in each climate the force of which leads to a particular form of government, and even dictates what kind of inhabitants it ought to have. Barren and sterile places where the produce is not worth the work should remain uncultivated and deserted, or only peopled by Savages. Places where the work of men provides only the bare necessities should be inhabited by barbaric peoples, no polity³⁹ is possible there. Places where labor produces a moderate surplus are suited to free peoples. Those where little labor on the abundant and fertile soil yields much produce tend to be governed monarchically, so that the luxury of the Prince may consume the surplus produced by the subjects, for it is better that this excess be absorbed by the government than be dissipated by individuals. There are exceptions, I know, but these very exceptions confirm the rule, in that they sooner or later produce revolutions which restore things to the order of nature.

We always distinguish general laws from particular causes which can modify their effect. If all the South were covered with Republics and all the North with despotic States, it would be no less true that in terms of climate despotism is suited to hot countries, barbarism to cold countries, and the good polity to intermediary regions. I see in addition that although the principle may be accepted, its application might be disputed. It could be said that there are very fertile cold countries and very barren tropical countries. But this is a difficulty only for those who do not examine the matter in all its circumstances. It is necessary, as I have already said, to consider the kinds of labor, the kinds of force, the

kinds of consumption, etc.

Suppose that there are two equal terrains, one producing five and the other ten. If the inhabitants of the former consume four and those of the latter nine, the excess of the first product will be $1/5$ and that of the second $1/10$. The ratio of these two excesses being therefore the inverse of that of the products, the terrain which produces only five will provide a surplus double that of the terrain which produces ten.

But it is not a matter of a double product. Although I do not think that anyone would dare equate the fertility of cold countries with that of hot countries, still a double product is out of the question. Let us however suppose that equality of product does exist; let us, if you will, equate England and Sicily, and Poland and Egypt. Farther South, we will have Africa and the Indies, farther north, nothing. In order to attain this equality of product, how will the cultivation differ? In Sicily, it is only necessary to scratch the land; in England, what pains to farm it! But wherever more hands are required to produce the same product, the surplus must necessarily be less.

Consider, besides, that the same quantity of men consumes much less in hot countries. There the climate requires that one be sober in order to stay fit. Europeans who want to live there like they do at home all perish from dysentery and stomach ailments. *We are, says Chardin, carnivorous beasts, wolves, in comparison with the Asiatics. Some attribute the sobriety of the Persians to the fact that their country is less cultivated, but I think on the contrary, that their country abounds less in commodities because their inhabitants need less.* He continues, *If their frugality were the effect of the poverty of the country, only the poor would eat little; instead, everyone by and large does; and more or less would be eaten in each province depending on the fertility of the country, instead, the same sobriety is found throughout the kingdom. They strongly congratulate themselves on their way of life, saying that it is only necessary to look at their complexion to recognize how more excellent it is than that of christians. In fact, the complexion of the Persians is smooth; they have beautiful, fine, clear skin, while the complexion of the Armenians, their subjects who live in a European manner, is rude, blotchy and their bodies are gross and heavy.*⁴⁰

The more closely one approaches the equator, the less peoples live on. They eat almost no meat; rice, maize, couscous, millet and cassava are their ordinary food. In the Indies, there are millions of men whose subsistence does not cost a penny a day. We see in Europe itself discernable differences of appetite between the peoples of the north and

those of the south. A Spaniard will live eight days on a dinner of one German. In the countries where men are more gluttonous, luxury also is turned to things that can be consumed. In England, it shows itself in a table loaded with meats; in Italy, you are regaled with sugar and flowers.

Luxury of dress again presents similar differences. In climates where the changes of seasons are sudden and violent, there are better and simpler clothes; in those where one dresses only for adornment, there one seeks show more than utility, and clothes themselves are a luxury. In Naples, everyday you will see men walking along the Posillipo in gold coats and no stockings. It is the same with buildings; everything is limited to magnificence when one has nothing to fear from inclement weather. In Paris and London one wants to be housed warmly and commodiously. In Madrid, there are superb salons, but no windows that close, and one sleeps in rat-holes.

In hot countries, foods are much more substantial and succulent; this is a third difference which cannot fail to influence the second. Why is it that so many vegetables are eaten in Italy? Because they are good, nourishing, and excellent tasting. In France where they are grown only with water, they are not nourishing and count for almost nothing in the diet. Nonetheless, vegetables take up no less terrain and require at least as much trouble to cultivate. It is a known fact that the wheats of Barbary, though in other respects inferior to those of France, yield much more flour, and in turn those of France yield more than the wheats of the North. From which it can be inferred that a similar gradation is generally observed in this same direction from the equator to the pole. But is it not an evident disadvantage to have a smaller quantity of nourishment from an equal product?

To all these different considerations, I can add one which derives from them and reinforces them, namely that the hot countries have less need of inhabitants than cold countries and can nourish more of them — which produces a double surplus always to the advantage of despotism. The larger the area occupied by the same number of inhabitants, the more difficult revolts become, because it is impossible to come together promptly or secretly, and it is always easy for the Government to get wind of projects and to cut communications. But the more a numerous people is gathered together, the less the Government is able to usurp the Sovereign. The rulers deliberate as securely in their rooms as the Prince in his council, and the crowd assembles in the squares as quickly as troops in their quarters. The superiority of a tyrannical Government is therefore in acting at great distances. With the aid of fulcra with which it provides

itself, its force increases with distance like that of levers.* The force of the people, on the contrary, acts only when concentrated. It evaporates and is lost in spreading out, like the effect of gunpowder scattered on the ground which catches fire only grain by grain. The least populated countries are therefore the most suited to Tyranny. Ferocious beasts reign only in deserts.

CHAPTER IX

Of the Signs of a Good Government

When, therefore, it is asked what is absolutely the best Government, that is an insoluble question because it is indeterminate. Or, on the other hand, it has as many good solutions as there are possible combinations in the absolute and relative positions of peoples.

But if it were asked by what sign one can know whether a given people is well or badly governed, that would be another thing, and the question of fact could be resolved.

However, it is not resolved because everyone wants to resolve it in his own manner. Subjects extol public tranquility, Citizens individual freedom. One prefers security of possessions, the other security of persons. One wants the best government to be the most severe, the other maintains that the best is the mildest. This one wants crimes to be punished, and that one wants them to be prevented. One finds it good to be feared by neighbors, the other prefers to be ignored by neighbors. One is content when money circulates, the other demands that the people have bread. Even if one were to agree on these and similar points, would one be any further ahead? Moral matters lack precise measures. Even if there were agreement on a sign of good government, how would there be agreement on evaluating it?

I myself am always astonished that so simple a sign goes unrecognized or is not acknowledged out of bad faith. What is the end of the political association? It is the preservation and the prosperity of its members. And

*This does not contradict what I said before (Book II, Chapter IX), on the inconveniences of large States, for there it was a question of the authority of the Government over its members, and here it is a question of its force against the subjects. The scattered members of the Government serve it as fulcra to act at a distance on the people, but it has no fulcrum for acting directly on these same members. Thus in the one case the length of the lever is its weakness, and in the other its strength.

what is the surest sign that they are preserved and do prosper? It is their number and their population. Therefore, do not go searching elsewhere for this much disputed sign. All other things being equal, that Government is infallibly the best under which the Citizens increase and multiply, without external means, without naturalizations, without colonies. That Government under which a people decreases and wastes away is the worst. Statisticians, it is now your affair; count, measure, compare.*

CHAPTER X

Of the Abuse of Government, and Its Tendency to Degenerate

As the particular will constantly acts against the general will, so Government struggles continually against Sovereignty. The more this struggle intensifies, the more the constitution is altered, and because there is no other corporate will here which by resisting the will of the Prince

*The same principle should be used to judge those ages that merit preference because of the prosperity of mankind. Those ages in which letters and the arts have been seen to flourish have been too much admired, without fathoming the secret objective of their cultivation, without considering their fatal effect. *Fools called humanity what was a part of slavery.*⁴¹ Shall we never see behind the maxims of books to the gross interest which makes Authors speak? No, whatever they may say, if a country's population is decreasing, regardless of its brilliance, it is not true that every thing is going well. It is not sufficient that a poet has an income of one hundred livres for his age to be the best of all. Less attention should be paid to apparent repose, and to the tranquility of the rulers, than to the well being of entire nations and above all of the most numerous states. Hail desolates some cantons, but rarely causes poverty. Riots and civil wars greatly alarm the rulers but these are not the true ills of the people, who can still have respite while others dispute who will tyrannize them. It is from their permanent state that their prosperity or real calamities arise. When all are crushed under the yoke, it is then that everything decays, and then that the rulers destroy them at their leisure, *where they create solitude, calling it peace.*⁴² When the quarrels of the Great agitated the kingdom of France, and the Coadjutor of Paris carried a dagger in his pocket into Parliament, that did not prevent the French people living happily and multiplying in honest and free leisure. In the past, Greece flourished in the midst of the most cruel wars; blood there ran in streams, and the whole country was covered with men. It would seem, says Machiavelli,⁴³ that in the midst of murders, proscriptions, civil wars, our Republic became more powerful; the virtue of its citizens, their "moeurs," their independence did more to reinforce it than all its dissensions had done to weaken it. A little agitation gives energy to souls, and what truly causes the species to prosper is less peace than liberty.

creates an equilibrium with it, it must sooner or later happen that the Prince finally crush the Sovereign and break the Social treaty. This is the inherent and inevitable vice which from the birth of the body politic tends relentlessly to destroy it, just as age and death destroy the body of man.

There are two general ways in which a Government degenerates; namely, when it contracts or when the State is dissolved.

The Government contracts when it goes from a great number to a small number that is to say from Democracy to Aristocracy, and from Aristocracy to Royalty. This is its natural inclination.* If it were to go from a small to a great number it could be said to relax, but this inverse progress is impossible.

In fact, Government never changes form except when its exhausted energy leaves it too enfeebled to be able to preserve its form. Now, if by expanding it were to relax even more, its strength would become totally

*The slow formation and the progress of the Republic of Venice in its lagoons provides a notable example of this succession. And it is quite astonishing that after more than twelve hundred years the Venetians seem to be still in only the second stage, which began with the *Serrar di Consiglio*⁴⁴ in 1198. No matter what the *squitinio della libertà veneta*⁴⁵ may say, there is proof that the ancient Doges, who are used against the Venetians, have not been their Sovereigns.

Some will not fail to use the Roman Republic as an objection against me saying that it followed an exactly opposite course, going from monarchy, to Aristocracy, and from Aristocracy to Democracy. I am very far from thinking of it in this way.

Romulus first established a mixed Government which promptly degenerated into Despotism. Due to some particular causes, the State perished before its time, as one sees a new-born child die before attaining manhood. The expulsion of the Tarquins was the true time of the birth of the Republic. But at first it did not assume a stable form, because only half the work had been completed by not abolishing the patriciate. For in this way hereditary Aristocracy, which is the worst of legitimate administrations, remained in conflict with Democracy, and led to a form of Government always uncertain and floating, which was not fixed until the establishment of the Tribunes, as Machiavelli has proved.⁴⁶ For only then was there a true Government and a true Democracy. In fact, then the people were not only Sovereign but also magistrate and judge; the Senate was only a subordinate tribunal to temper or concentrate⁴⁷ the Government, and the Consuls themselves though Patricians, as well as first Magistrates and even absolute Generals in war were in Rome only the presidents of the people.

Afterwards, the Government was also seen to follow its natural inclination and tend strongly to Aristocracy. The Patriciate having as it were abolished itself, the Aristocracy was no longer located in the body of Patricians as it is in Venice and Genoa, but in the body of the Senate composed of Patricians and Plebeians, and even in the body of the Tribunes when they began to usurp an active power. For words cannot alter reality, and when the people has rulers who govern for it, whatever name those rulers bear, it is always an Aristocracy.

The abuse of the Aristocracy gave birth to civil wars and to the Triumvirate. Sulla, Julius Caesar, and Augustus became in fact true Monarchs, and finally under the Despotism of Tiberius the State was dissolved. Roman history therefore does not contradict my principle; it confirms it.

nil, and it would endure even less long. It is therefore necessary to rewind and tighten the spring as it unwinds, otherwise the State which it sustains would fall in ruin.

The dissolution of the State can happen in two ways.

First, when the Prince no longer administers the State in accordance with the laws and usurps the sovereign power. Then a remarkable change occurs: not the Government but the State contracts; I mean that the real State is dissolved and that another is formed within it, composed only of members of the Government, which is to the rest of the People nothing but their master and tyrant. So that at the moment the Government usurps sovereignty, the social compact is broken, and all the ordinary Citizens, having returned by right to their natural freedom, are forced but not obligated to obey.

The same situation also occurs when the members of the Government separately usurp the power that they ought to exercise only as a body, which is not a less serious infraction of the laws and produces an even greater disorder. Then there are, so to speak, as many Princes as Magistrates, and the State, no less divided than the Government, perishes or changes form.

When the State is dissolved, the abuse of Government whatever it may be bears the general name of *anarchy*. More precisely, Democracy degenerates into *Ochlocracy*, Aristocracy into *Oligarchy*; I would add that Kingship degenerates into *Tyranny*, but this last word is equivocal and demands explanation.

In the common understanding, a Tyrant is a king who governs with violence and without regard to justice and the laws. In the precise sense, a Tyrant is an individual who arrogates the royal authority to himself without having any right to it. This is the way the Greeks understood the word Tyrant. They applied it indiscriminately to good and bad Princes whose authority was not legitimate.* Thus *Tyrant* and usurper are two perfectly synonymous words.

To give different names to different things, I call *Tyrant* the usurper of royal authority, and *Despot* the usurper of Sovereign power. The Tyrant

*For all those are called and considered tyrants who hold perpetual power in cities that were accustomed to freedom. Corn. Nep. in Miltiad.⁴⁸ It is true that Aristotle *Nicom. Ethics Book VIII chapter 10* distinguishes the Tyrant from the King, in that the former governs for his own benefit and the latter for the benefit of his subjects, but in addition to the fact that generally all Greek authors have taken this word Tyrant in the other sense, as is shown above all by Xenophon's *Hiero*,⁴⁹ it would follow from Aristotle's distinction that there has not yet been a single King since the beginning of the world.

is one who insinuates himself contrary to the laws in order to govern according to the laws; the Despot places himself above the laws themselves. Thus the Tyrant cannot be a Despot, but the Despot is always a Tyrant.

CHAPTER XI

Of the Death of the Body Politic

This is the natural and inevitable tendency of the best constituted Governments. If Sparta and Rome have perished, what State can hope to last forever? If we want to form a lasting establishment, let us not think therefore of making it eternal. To succeed, it is not necessary to attempt the impossible, nor to flatter ourselves that the work of men can be given a solidarity that does not belong to human things.

The body politic, as well as the body of man, begins to die at birth and carries within itself the cause of its destruction. But both may have a constitution more or less robust and fitted to preserve them for a longer or shorter time. The constitution of man is the work of nature, that of the State is the work of artifice. It is not up to men to prolong their own lives; it is up to them to prolong the life of the State as far as possible, by giving it the best constitution that it can have. Even the best constituted will come to an end, but later than another, if no unforeseen accident leads to its ruin before its Time.

The principle of political life lies in the Sovereign authority. The legislative power is the heart of the State; the executive power is the brain which gives movement to all the parts. The brain may fall into paralysis and the individual still live. A man may remain an imbecile and live, but as soon as the heart has ceased its functions, the animal is dead.

It is not by means of the laws that the State endures, it is by the legislative power. Yesterday's law does not obligate today, but tacit consent is presumed from silence, and the Sovereign is always assumed continually to confirm the laws it does not abrogate, being able to do so. Everything that it has once declared to be its will, it wills always, at least until it revokes its declaration.

Why then does so much respect attach to ancient laws? For this very reason. It must be believed that only the excellence of ancient wills has enabled them to be preserved for so long. If the Sovereign had not

continually recognized them as salutary, it would have revoked them a thousand times. This is why far from becoming weaker, the laws continually acquire a new strength in every well constituted State. The prejudice of antiquity renders them more venerable each day; in contrast, wherever the laws become weaker with age, that proves that legislative power no longer exists and that the State no longer lives.

CHAPTER XII

How the Sovereign Authority Maintains Itself

The Sovereign, having no other force than the legislative power, acts only by means of laws, and laws being only the authentic acts of the general will, the Sovereign can only act when the people is assembled. The people assembled, someone will say, what a chimera! It is a chimera today, but it was not so two thousand years ago. Has man's nature changed?

The limits of the possible in moral things are less narrow than we think. It is our weaknesses, vices, prejudices that constrict them. Base souls do not believe in great men; vile slaves smile mockingly at the word freedom.

Let us consider what can be done by what has been done. I will not speak of the ancient republics of Greece, but the roman Republic was, it seems to me, a large State, and the town of Rome a large town. The last census gave Rome four hundred thousand Citizens bearing arms, and the last enumeration of the Empire more than four million Citizens, without counting subjects, foreigners, women, children, and slaves.

What difficulty cannot be imagined in frequently assembling the immense people of this capital and of its environs? However, few weeks passed without the roman people being assembled, and even being so several times. Not only did it exercise the rights of sovereignty but a part of the rights of Government. It dealt with certain affairs, judged certain causes, and this whole people gathered in the public square was almost as often magistrate as Citizen.

In returning to the earliest history of Nations, one would find that the majority of ancient governments, even monarchies such as those of the Macedonians and the Franks, had similar Councils. In any case, this single incontestable fact answers all difficulties: it seems sound to infer what is possible from what has existed.

CHAPTER XIII

How the Sovereign Authority Maintains Itself —
Continued

It is not sufficient for the people to assemble once and determine the constitution of the State by giving sanction to a body of law. It is not sufficient for them to have established a perpetual Government or for them to have provided once and for all for the election of magistrates. In addition to extraordinary assemblies that unforeseen circumstances may require, there must be fixed and periodic assemblies which nothing can abolish or prorogue, so that on the specified day the people are legitimately convoked by law, without needing any other formal convocation.

But other than these assemblies authorized by their date alone, any assembly of the People which has not been convoked by the magistrates appointed for this purpose and according to prescribed forms must be held illegitimate, and all that they do must be held null and void, because the order itself to assemble must proceed from law.

As to whether legitimate assemblies should be held more or less frequently, this depends on so many considerations that precise rules cannot be given. One can only say in general that the more force the Government has, the more frequently the Sovereign should make its presence felt.

Someone will say to me, this may be good for a single town, but what about a state that includes several? Shall the Sovereign authority be divided, or should it be concentrated in a single town which subjugates all the rest?

I answer that neither should be done. First, the sovereign authority is simple and unitary, and cannot be divided without being destroyed. In the second place, a town no more than a nation can be legitimately subjected to another, because the essence of the body politic is in the coincidence of obedience and freedom, and these words *subject* and *sovereign* are identical correlatives whose idea comes together in the single word Citizen.

I answer further that it is always bad to unite several towns into one city, and that, wanting to make this union, one should not flatter himself that by so doing natural inconveniences are to be avoided. It is unnecessary to raise the abuses of large States as an objection to someone who only wants small ones, but how are small States to be given enough

strength to resist large ones, as the greek towns formerly resisted the great king, and as more recently Holland and Switzerland have resisted the house of Austria?

Nevertheless, if the State cannot be reduced to proper boundaries, there still remains one recourse, not to allow a capital there, to seat the Government alternately in each town, and also to convene in each town in turn the Estates of the country.

Let the territory be evenly populated, extend the same rights everywhere, spread abundance and life throughout, thus the State will at once become as strong and as well governed as possible. Remember that the walls of towns are only made of the debris of houses of the countryside. For each Palace I see raised in the capital, I think I see a whole country placed in desolation.

CHAPTER XIV

How the Sovereign Maintains Itself — Continued

At the moment that the People are legitimately assembled as a Sovereign body, all Governmental jurisdiction ceases, the executive power is suspended, and the person of the least Citizen is as sacred and inviolable as that of the foremost Magistrate, because where the Represented are present, there is no longer any Representative. Most of the tumults that arose in Rome in the comitia came from ignorance or neglect of this rule. Then the Consuls were only the Presidents of the People, the Tribunes simple Orators,* and the Senate was nothing at all.

These intervals of suspension when the Prince recognizes or ought to recognize an actual superior, have always been threatening to the Prince, and these assemblies of the people, which are the shield of the body politic and the rein on the Government, have always been the dread of rulers, who therefore never spare pains, objections, difficulties, or promises to discourage the Citizens from having them. When the citizens are avaricious, cowardly, pusillanimous, more in love with repose than freedom, they do not hold out for long against the redoubled efforts of the

*This word as used in the Parliament of England has a similar sense. The resemblance of these functions would have placed the Consuls and Tribunes in conflict, even if all jurisdiction had been suspended.

Government. Thus with the resisting force constantly increasing, the Sovereign authority vanishes in the end, and most cities fall and perish before their time.

But between the Sovereign authority and arbitrary Government, an intermediary power is sometimes introduced of which it is necessary to speak.

CHAPTER XV

Of Deputies or Representatives

As soon as public service ceases to be the principal concern of Citizens, and they prefer to serve with their purse than with their persons, the State is already close to its ruin. When there is a call to arms, they pay for the troops and stay at home. When there is a summons to Council, they designate Deputies and stay at home. Due to laziness and money, they end up with soldiers to enslave the fatherland and representatives to sell it.

The bustle of commerce and the arts, the avid interest in gain, softness and the love of comfort change personal services into money. One invests a part of one's profit in order to increase it effortlessly. Invest money, and soon you will have chains. *Finance* is a slavish word; it is unknown in a City. In a truly free State, the citizens do everything with their hands and nothing with money. Far from paying to be exempted from their duties, they would pay to fulfill them themselves. I am distant from the common way of thinking; I think forced labor is less contrary to freedom than taxes.

The better the State is constituted, the more public affairs prevail over private affairs in the spirit of the Citizens. There are indeed fewer private affairs, because the sum of the common happiness furnishes a more significant portion of the happiness of each individual, so there remains less for him to seek in his particular concerns. In a well-conducted city everyone flies to the assemblies. Under a bad Government no one wants to take a step to get there, because no one takes interest in what is done there, and because one foresees that the general will will not prevail there, and finally because domestic concerns absorb everything. Good laws lead to the making of better ones; bad laws lead to the making of worse. As soon as someone says of affairs of State, *What does it matter to me?* the State must be accounted lost.

The cooling of love of the fatherland, the activity of private interest, the immensity of States, conquests, the abuse of Government have suggested the expedient of Deputies or Representatives of the people in the assemblies of the Nation. In certain countries some dare call these the Third Estate, and put the particular interest of the two orders in first and second place, while the public interest is only third.

Sovereignty cannot be represented, for the same reason that it cannot be alienated. Its essence is the general will, and will cannot be represented. Will is either itself or something different; there is no middle ground. The deputies of the people therefore are not and cannot be its representatives. They are only agents. They cannot decide anything definitively. Any law which the People have not ratified in person is null; it is not a law. The English people think they are free; they are greatly deceived; they are free only during the election of members of Parliament. As soon as they are elected, the people are enslaved and are nothing. In the short moments of their freedom, given the use they make of it, they deserve to lose it.

The idea of Representation is modern; it comes to us from feudal Government, that iniquitous and absurd Government which degrades the human species and which dishonors the name of man. In the ancient Republics and even in monarchies, the People never had representatives; the word was unknown. It is remarkable that in Rome where the Tribunes were so sacred, it was not imagined that they could usurp the functions of the people, and that in the midst of so great a multitude, the Tribunes did not attempt to go beyond their authority and call a single Plebiscite. However, the trouble sometimes caused by the crowd can be judged by what happened at the time of the Gracchi, when a part of the Citizens voted from the rooftops.

When right and freedom are everything, inconveniences are nothing. Among this wise people everything was given its just measure. The Lictors were allowed to do what the Tribunes dared not do. This people did not fear that their Lictors would want to represent them.

To explain, however, in what way the Tribunes did sometimes represent them, it is sufficient to consider how the Government represents the Sovereign. Since the Law is only the declaration of the general will, it is clear that with regard to the Legislative power the People cannot be represented; but they may and should be with regard to the executive power which is only force applied to the Law. This makes clear that upon close examination, one would find that very few Nations would be found to have laws. However that might be, it is certain that the Tribunes, having no part of the executive power, could never represent the roman

People by the rights of their offices, but only by usurping those of the Senate.

Among the Greeks everything that the People had to do, they did by themselves; they were continuously assembled in the public square. They lived in a mild climate; they were not greedy; slaves did their work; their great concern was their freedom. No longer having these same advantages, how could the same rights be preserved? Your harsher climates give you more needs;* six months of the year the public square is accessible; your dull tongues cannot make themselves heard outdoors; you are more concerned with gain than with your liberty, and you fear slavery much less than misery.

What! Freedom is to be maintained only with the support of slavery? Perhaps. The two extremes meet. Everything not in nature has its inconveniences, and civil society more than all the rest. There are such unhappy situations where one's freedom can only be preserved at the expense of others', and where the Citizen can be perfectly free only when the slave is a slave in the extreme. Such was the situation of Sparta. You modern peoples have no slaves, but you are slaves; you pay for their freedom with your own. You are falsely proud of this preference; I find in it more cowardice than humanity.

I do not mean by all this that it is necessary to have slaves, or that there is a legitimate right of slavery, for I have proved the contrary. I am only stating the reasons why modern peoples who think themselves free have Representatives, and why ancient peoples did not. However that may be, at the moment that a People gives itself Representatives, it is no longer free; it no longer exists.

All things considered, I do not see that it is possible henceforth among us for the Sovereign to preserve the exercise of its rights unless the City is very small. But if it is very small, will it not be subjugated? No. I will show later** how the exterior power of a large People may be combined with the smooth-running administration and good order of a small State.

*In cold countries to adopt the luxury and softness of Orientals is to want to take on their chains; this submission to chains would be even more necessary in cold countries than in theirs.

**This is what I had proposed to do in the sequel to the work, when discussing external relations I came to confederations. This matter is completely new, and its principles are yet to be established.

CHAPTER XVI

That the Institution of Government Is Not A Contract

Once the legislative power is well established, the problem is then to establish the executive power, which operates only through particular acts and, being essentially different from the other, is naturally separate from it. If it were possible for the Sovereign, considered as such, to have the executive power, right and fact would be so confounded that one would no longer know what is and what is not law, and the body politic thus denatured would soon fall prey to the violence against which it was instituted.

All the citizens being equal by the social contract, all may prescribe what all must do, rather than anyone having the right to require that another do something which he himself does not have to do. It is precisely this right which is indispensable to making the body politic live and move, that the Sovereign gives to the Prince in instituting the Government.

Some have claimed that the act of this establishment was a contract between the people and the rulers they give themselves, a contract between the two parties which stipulates the conditions under which the one is obligated to command and the other to obey. It will be admitted, I am sure, that this is a strange way to contract! But let us see whether this opinion is tenable.

First, the supreme authority can no more modify itself than alienate itself; to limit it is to destroy it. It is absurd and contradictory for the Sovereign to give itself a superior, to obligate itself to obey a master is to return itself to full freedom.

Moreover, it is evident that this contract of the people with these or those persons would be a particular act. From which it follows that this contract could not be a law or an act of sovereignty, and that consequently it would be illegitimate.

Further it is seen that between themselves the contracting parties would only be under the law of nature and without any guarantee of their reciprocal commitments, a situation which is repugnant in every way to the civil state. Since whoever has force in hand is always the master of what will be done, we might as well give the name contract to the act of a man who said to another: *I give you all my goods, on the condition that you return to me whatever will please you.*

There is only one contract in the state, that of association, and that one alone excludes all others. No other public contract could be imagined that was not a violation of the first.

CHAPTER XVII

Of the Institution of Government

In what terms then is it necessary to understand the act by which Government is instituted? I shall remark first that this act is complex or composed of two others, the establishment of the law and the execution of the law.

By the first, the Sovereign declares that there will be a Governmental body established in this or that form, and it is clear that this act is a law.

By the second, the people designate the rulers who will be entrusted with the established Government. And this designation being a particular act, it is not a second law but only a consequence of the first and a function of the Government.

The difficulty is to understand how one can have an act of Government before the Government exists, and how the people, which are only Sovereign or subject, can become Prince or Magistrate in certain circumstances.

Here again one of these astonishing properties of the body politic is revealed, by which it reconciles apparently contradictory operations. For this is accomplished by a sudden conversion of Sovereignty into Democracy, so that, without any manifest change, and solely by a new relation of all to all, the citizens become Magistrates and pass from general acts to particular acts, and from law to execution.

This change of relation is not a subtlety of speculation without example in practice. It happens every day in the English Parliament, where the Lower House on certain occasions, in order to discuss affairs better, transforms itself into Grand Committee, and thus becomes a simple committee of that Sovereign Court which it was a moment before, in such a way that later it reports to itself as House of Commons what it has just resolved in Grand Committee, and deliberates anew under one title what it has already resolved under another.

The advantage peculiar to Democratic Government is that it can be established in fact by a simple act of the general will. Afterwards, this provisional Government remains in power if Democracy is the form adopted, or it establishes in the name of the Sovereign that Government prescribed by law, and everything has thus been done according to the rules. It is not possible to institute Government in any other legitimate way without renouncing the principles previously established.

CHAPTER XVIII

Means of Preventing the Usurpations of Government

These explanations serve to confirm Chapter XVI, that the act which institutes the Government is not a contract but a Law, that the depositories of the executive power are not the masters of the people but their officers, that they can establish them and discharge them as they please, that for their officers it is not a question of contracting but of obeying and that in being charged with the functions that the State imposes on them they are only fulfilling their duty as citizens, without in any way having the right to argue about terms.

When, therefore, the people happen to institute a hereditary Government, whether monarchical in one family or aristocratic in one order of citizens, it is not a commitment that they make; it is a provisional form that they give to the administration until they are pleased to order it otherwise.

It is true that these changes are always dangerous, and an established Government should not be touched unless it becomes incompatible with the public good. But this circumspection is a maxim of politics and not a rule of right, and the State is no more bound to leave the civil authority to its rulers than to leave the military authority to its Generals.

It is also true that in such a case that too much care cannot be taken in observing all the requisite formalities for distinguishing a regular and legitimate act from a seditious tumult, and the will of the whole people from the clamors of a faction. It is here above all that it is necessary only to give to an odious cause what cannot be refused it in all the rigor of right, and it is also from this obligation that the Prince derives a great advantage for preserving his power despite the people, without it being able to be said that he has usurped it. For in appearing only to exercise his rights, it is very easy for him to extend them and to prevent, upon the pretext of public tranquility, assemblies determined to reestablish good order; so that he takes advantage of a silence that he does not allow to be broken or of irregularities which he engenders in order to assume assent on his behalf from those whom fear has silenced and to punish those who dare speak. In this way the Decimvirs having first been elected for a year, then continued for another year, and tried to retain their power forever, by no longer allowing the comitia to assemble. And it is by this simple means that all the governments of the world, once they are invested with the public force, sooner or later usurp the Sovereign authority.

Periodic assemblies of which I have already spoken are the correct means to prevent or defer this misfortune, above all when they have no need of formal convocation, for then the Prince cannot prevent them without overtly declaring himself a law breaker and enemy of the State.

At the opening of these assemblies whose only object is the maintenance of the social treaty, two propositions must always be brought forward which cannot be suppressed and which are voted on separately.

The first: *Does it please the Sovereign to preserve the present form of Government?*

The second: *Does it please the people to leave the administration to those who are now in charge of it?*

I here assume what I think has been demonstrated, namely that there is no fundamental law in the State which cannot be revoked, not even the social compact, for if all the citizens assembled were to break this compact by common agreement, it cannot be doubted that it would have been broken quite legitimately. Grotius even thinks that anyone may renounce the State of which he is a member, and recover his natural liberty and his goods on leaving the country.* Now, it would be absurd if all the citizens together could not do what each separately can do.

End of the Third Book

BOOK IV

CHAPTER I

That the General Will Is Indestructible

So long as several men when united consider themselves a single body, they have but a single will which is concerned with the common preservation and the general good. Then all the springs of the State are vigorous and simple; its maxims are clear and luminous; it has no embroiled, contradictory interests; the common good presents itself everywhere conspicuously and requires only good sense to be perceived.

*It being understood that one does not leave to evade one's duty and to avoid serving the fatherland at the moment of need. Flight then would be criminal and punishable; this would no longer be withdrawal but desertion.

Peace, union, equality are enemies of political subtleties. Upright and simple men are difficult to deceive because of their simplicity; tricks and ingenious shams do not fool them; they are not even subtle enough to be dupes. When one sees among the happiest people of the world groups of peasants conducting the affairs of State under an oak and always acting wisely, can one help despising the refinements of other nations which use so much art and mystery to make themselves illustrious and miserable?

A State so governed needs very few laws, and as it becomes necessary to promulgate new ones, this necessity is universally seen. The first who proposes them only articulates what all have already sensed, and neither intrigue nor eloquence is required to make law of what everyone has already resolved to do, as soon as he is sure that others will do likewise.

What misleads thinkers is seeing only States which from their beginning are badly constituted; they are struck by the impossibility of sustaining such a political organization there. They laugh at the thought of all the stupidities an adroit rascal, an insinuating speaker could persuade the people of Paris or London to commit. They do not know that Cromwell would have been "belled" by the people of Berne, and the Duc de Beaufort imprisoned by the Genevese.⁵¹

But when the social bond begins to relax and the State to weaken, when particular interests begin to make themselves felt and small societies begin to influence society at large, the common interest is altered and finds opponents; a unanimous voice no longer reigns; the general will is no longer the will of all; contradictions and debates arise, and the best opinion does not pass without debates.

Finally when the State, on the brink of ruin, exists only in an illusory and empty form, when the social bond is broken in all hearts, when the vilest interest adorns itself brazenly with the sacred name of the public good; then the general will becomes mute; all are guided by secret motives and no longer opine as citizens but as if the State had never existed, and iniquitous decrees which have as their end only particular interest are falsely passed under the name of laws.

Does it follow from this that the general will is annihilated or corrupted? No, it is constant, unalterable and pure, but it is subordinated to others which prevail over it. Each man, although detaching his interest from the common interest, clearly sees that he cannot completely separate it, but his share in the public "good" seems to him nothing compared to the exclusive good which he means to appropriate for himself. This particular good excepted, he wants the general good for his own interest as strongly as anyone else. Even in selling his vote for money,

he does not extinguish the general will in himself; he eludes it. The mistake he makes is to change the form of the question and to answer something other than what was asked him. So that instead of saying by his vote, *This is advantageous to the State*, he says, *It is advantageous to this man or this party for this or that opinion to pass*. Thus the law ordering public assemblies is not intended so much to uphold the general will there as to make sure that it is always interrogated and that it always answers.

I might make many reflections here on the simple right of voting in every act of sovereignty, a right which citizens cannot be deprived of, and other reflections on the rights of opining, devising, and discussing, which the Government always takes great care to allow only to its members, but this important matter would require a separate treatise, and I cannot say everything in this one.

CHAPTER II

Of Voting

It can be seen from the preceding chapter that the manner in which general affairs are conducted may give a sufficiently certain index of the present state of “moeurs” and of the health of the body politic. The more harmony reigns in the assemblies, that is to say the more opinions approach unanimity, the more the general will is dominant. But long debates, dissensions, and tumult announce the ascendancy of particular interest and the decline of the State.

This appears less evident when two or several orders enter into its constitution, as the Patricians and Plebeians did in Rome, whose quarrels often troubled the comitia, even in the finest times of the Republic. But this exception is more apparent than real, for then, because of the vice inherent in the body politic, there are, so to speak, two States in one. What is not true of the two together is true of each separately. And in fact in even the most stormy times when the Senate did not get mixed up in the plebiscites of the people, they always took place tranquilly and votes were by a great plurality. The Citizens having only one interest, the people had only one will.

At the other extreme of the circle, unanimity recurs. When the citizens have fallen into servitude, they no longer have liberty or will. Then fear

and flattery change votes into acclamations. There is no longer deliberation; one adores or curses. This was the vile manner in which the Senate expressed opinions under the Emperors. Sometimes this was done with ridiculous precautions. Tacitus observes that under Otho, while the Senators were heaping execrations upon Vitellius, at the same time they made such a dreadful noise, that, if by chance Vitellius became master, he could not know what any of them had said.⁵²

From these various considerations arise the maxims upon which one should regulate the manner of counting votes and comparing opinions, depending on whether the general will is more or less easily known, and the State more or less in decline.

There is only one law which by its nature requires unanimous consent. That is the social compact, for the civil association is the most voluntary act in the world. Every man being born free and master of himself, no one can, under any pretext whatsoever, be made a subject without his consent. To affirm that the son of a slave is born a slave is to affirm that he is not born a man.

If therefore at the time of the social compact there are some opponents to it, their opposition does not invalidate the contract, but only prevents their being comprised by it. They are foreigners among citizens. When the State is instituted, consent is implied by residence; to inhabit the territory is to submit to the sovereignty.*

Apart from this original contract, the vote of the greater number always obligates all the others; this is one consequence of the contract itself. But it may be asked how any man can be free and forced to conform to wills not his own. How are the opponents free and subject to laws to which they have not consented?

I answer that the question is badly posed. The citizen consents to all the laws, even to those which are passed despite him, and even to those which punish him when he dares violate one. The constant will of all the members of the State is the general will; it is through it that they are citizens and free.** When a law is proposed in the assembly of the People, what is asked them is not exactly whether they approve the proposition or

*This must always be understood in reference to a free State, for elsewhere family, goods, lack of asylum, necessity, violence may keep an inhabitant in the country despite himself, and then his merely staying no longer supposes his consent to the contract or to violation of the contract.

**In Genoa this word *LIBERTAS* may be read over the doors of prisons and on the chains of galley slaves. This use of the slogan is fine and just. In fact, it is only the malefactors in every state who prevent the citizens from being free. In a country where all those people were in galleys, the most perfect freedom would be enjoyed.

whether they reject it, but whether it conforms or not to the general will which is theirs. Each in giving his vote states his opinion on that point, and the declaration of the general will is found by counting votes. When therefore the opinion contrary to mine prevails, that proves only that I was mistaken, and that what I deemed the general will was not. If my particular opinion had prevailed, I would have done something other than what I willed, and then I would not have been free.

This supposes, it is true, that all the characteristics of the general will still reside in the plurality. When these characteristics no longer reside in the plurality, whatever position is taken there is no longer freedom.

Having previously shown how particular wills are substituted for the general will in public deliberations, I have sufficiently indicated the practicable means for preventing this abuse; I will speak of them again hereafter. As to what proportion of the whole number of votes is needed to declare this will, I have also given the principles by which this can be determined. The difference of a single vote breaks a tie; a single opponent destroys unanimity. But between unanimity and a tie there are several unequal proportions, and the selection of one of these numbers can be determined according to the circumstances and needs of the body politic.

Two general maxims may serve to determine these proportions: one, the more important and grave the deliberations, the more the prevailing opinion should approach unanimity; the other, the more the debated matter requires speed, the smaller should be the prescribed difference in the division of opinions; in deliberations which must be terminated immediately, a majority of one vote must suffice. The first of these two maxims appears more applicable to laws, and the second to governmental affairs. In any case, the size of the plurality needed for decision making is established by the combination of these maxims.

CHAPTER III

Of Elections

As for the elections of the Prince and Magistrates which are, as I have said, complex acts, there are two ways for them to proceed, namely choice and lot. Both have been employed in various Republics, and actually even today a very complicated mixture of the two is seen in the election of the Doge of Venice.

*Voting by lot, says Montesquieu, is natural to Democracy. I agree, but why is it so? The lot, he continues, is a mode of election which offends nobody; it leaves each citizen with a reasonable hope of serving the fatherland.*⁵³ These are not the reasons.

If it is kept in mind that the election of ruler is a function of Government and not of Sovereignty, it will be seen why the method of lot is more natural to Democracy, where the administration is better as its acts are fewer.

In every true Democracy, the magistracy is not a privilege but a burdensome charge which cannot justly be imposed on one individual rather than on another. The law alone can impose this charge on whomever the lot shall fall. For then the situation being equal for all, and the choice not depending on any human will, there is no particular application which alters the universality of the law.

In Aristocracy, the Prince chooses the Prince; the Government is preserved by itself, and there voting is appropriate.

The example of the election of the Doge of Venice far from destroying this distinction confirms it. This mixed form is suited to a mixed Government. For it is an error to take the Government of Venice for a true Aristocracy. While the people there has no part in the Government, the Venetian nobility itself is a people. A multitude of poor Barnabites⁵⁴ never comes near any magistracy, and its nobility consists only in the empty title, Excellency, and the right to attend at the great Council. This great Council is as numerous as our general Council at Geneva, yet its illustrious members have no more privileges than our ordinary citizens. It is certain, despite the extreme disparity of the two Republics, that the bourgeoisie of Geneva is the exact analogue of the Venetian Patriciate. Our natives and inhabitants are analogous to the Townsmen and the people of Venice. Our peasants are analogous to the subjects on the mainland. Finally, in whatever way this Republic is considered, abstracting from its size, its Government is not more aristocratic than ours. The whole difference is that having no ruler for life, we do not have the same need for the lot.

Elections by lot would have few inconveniences in a true Democracy where everything being equal, "moeurs" and talents as well as maxims and fortune, the choice would become almost a matter of indifference. But I have already said that there is no true Democracy.

When choice and lot are mixed, the former should fill positions which require special talents, such as military posts. The latter is suited to those positions where good sense, justice, integrity suffice, such as judicial

offices, because in a well constituted state these characteristics are common to all the citizens.

Neither the lot nor voting has any place in monarchical Government. The Monarch being by right sole Prince and the only Magistrate, the choice of his lieutenants belongs only to him. When the Abbé de Saint-Pierre proposed to increase the Councils of the King of France and to elect their members by Ballot, he did not see that he proposed to change the form of Government.

It remains for me to speak of the manner of giving and collecting votes in the assembly of the people; but perhaps the history of the Roman political organization in this regard will explain more concretely all the maxims that I might establish. It is not beneath a judicious reader to see in some detail how a Council of two hundred thousand men handled public and private affairs.

CHAPTER IV

Of the Roman Comitia

We have no trustworthy records of the earliest times of Rome. It appears most likely that most of the things reported about them are fables;* and in general the most instructive part of the annals of peoples, the history of their founding, is what we most lack. Experience teaches us everyday the causes that give birth to revolutions of empires, but, as peoples are no longer formed, we have hardly anything but conjectures to explain how they were formed.

The customs that one finds established show at least that these customs had an origin. Traditions that go back to these origins, those that the greatest authorities support and the strongest reasons confirm, ought to pass for the most certain. These are the maxims that I have tried to follow in researching how the freest and most powerful people on earth exercised its supreme power.

After the founding of Rome, the new-born Republic, that is to say, the army of the founder composed of Albans, Sabines, and foreigners, was divided into three classes, which took the name *Tribes* from this division. Each of these Tribes was sub-divided into ten *Curiae*, and each *Curia* into

*The name *Rome* which is said to come from *Romulus* is Greek, signifying *force*. The name *Numa* is also Greek, signifying *law*. Is it probable that the two first Kings of this town had borne in advance names so clearly related to what they did?

Decuriae, at the head of which were placed rulers called *Curiones* and *Decuriones*.

In addition, from each Tribe was drawn a body of one hundred Equites or Knights, called a Century, from which it is seen that these divisions, of little necessity in a village, were at first only military. But it seems that an instinct for greatness led the little town of Rome to provide itself in advance with a political organization suitable for the capital of the world.

From this first division soon resulted an inconvenience. The Tribes of the Albans* and of the Sabines** remained a constant size, while the Tribe of the foreigners*** constantly grew by their continued influx and soon surpassed the other two. The remedy found by Servius to this dangerous imbalance was to change the division, and abolishing that based on race, he substituted another division drawn from the place in the town occupied by each Tribe. Instead of three Tribes, he made four, each of which occupied one of the hills of Rome and took its name. Thus by remedying the present inequality, he also prevented it in the future, and so that this division be one of men not merely of places, he forbade the inhabitants of one quarter from moving to another, which prevented the races mixing.

He also doubled the three ancient centuries of Equites and added twelve others, but always under the ancient names, a simple and judicious means by which he was able to distinguish the body of Knights from that of the People, without a murmur from the latter.

To these four urban Tribes Servius added fifteen others called rural Tribes, because they were formed of inhabitants of the countryside, divided into so many cantons. Afterwards as many new ones were made, and the roman People found themselves finally divided into thirty-five Tribes, a number that remained fixed until the end of the Republic.

This distinction between Tribes of the Town and Tribes of the countryside had an effect worth being observed because there is no other example of it, and Rome owed the preservation of its “moeurs” and the growth of its empire to it. One would think that the urban Tribes would soon arrogate power and honor to themselves and lose no time in abusing the rural Tribes; it was just the contrary. The preference of the first Romans for country life is well known. This preference came to them from a wise founder who united freedom with rural and military labor, and relegated, so to speak, the arts, crafts, intrigue, fortune, and slavery to the town.

Since all of Rome’s illustrious men lived in the fields and cultivated the

*Ramnenses

**Tatienses

***Luceres

land, it was customary to search only there for the mainstays of the Republic. Since this condition was that of the most worthy Patricians it was honored by everyone; the simple and laborious life of Villagers was preferred to the idle and lax life of the Bourgeois in Rome. And he who would only have been an unhappy proletarian in the town became a respected Citizen as a farmer in the fields. It is not without reason, said Varro,⁵⁵ that our magnanimous ancestors established in the Village the nursery of these robust and valiant men who defended them in times of war and who nourished them in times of peace. Pliny⁵⁶ states positively that the Tribes of the fields were honored because of the men who composed them; the cowards whom one wanted to degrade were ignominiously transferred to the Tribes of the Town. The Sabine Appius Claudius having come to establish himself in Rome was there loaded with honors and enrolled in a rural Tribe which subsequently took the name of his family. Finally, all freedmen entered urban Tribes, never rural ones, and there is not one example throughout the Republic of any of these freedmen attaining any magistracy, although they had become citizens.

This maxim was excellent, but it was pushed so far that it finally resulted in a change and certainly an abuse of the political organization.

First the Censors, after having arrogated to themselves for a long time the right to transfer arbitrarily the citizens of one Tribe to another, allowed most to enroll themselves in whichever they pleased. This permission was surely good for nothing and deprived the censorship of one of its great strengths. Moreover, all the Great and the powerful had themselves enrolled in the Tribes of the countryside and the freedmen who had become citizens stayed with the populace in the Tribes of the town. Therefore in general the Tribes no longer had local or territorial bases, but all found themselves so mixed that the members of each could no longer be discerned except by consulting the registers, so that the idea of the word *Tribe* thus changed from real to personal,⁵⁷ or rather became almost a chimera.

It then happened that the Tribes of the town, being closer to the center, often found themselves the strongest in the comitia and sold the State to those who condescended to buy the votes of the rabble who composed these Tribes.

As for the *Curiae*, the founder having made ten of them in each Tribe, all the roman people then enclosed by the walls of the town were composed into thirty *Curiae*, each one of which had its temples, its Gods, its officers, its priests, its festivals called *compitalia*, which resemble *Paganalia* afterwards held by the rural Tribes.

When Servius made this new division, this number thirty not being equally divisible among the four Tribes, which he did not want to touch, the Curiae independent of the Tribes became another division of the inhabitants of Rome. But in the rural Tribes and among the people that composed them, there was no question of Curiae because the Tribes having become a purely civil establishment and another political organization having been introduced to raise troupes, the military divisions of Romulus were superfluous. Thus, while every Citizen was enrolled in a Tribe, there were many who were not in a Curia.

Servius made yet a third division which had no relation to the two preceding, and became by its effects the most important of all. He distributed the whole roman people into six classes, which he distinguished not by place or men but by goods, so that the first classes were filled by the rich, the last by the poor, and the middle by those who enjoyed a middling fortune. These six classes were subdivided into 193 other bodies called centuries, and these bodies were so distributed that the first Class alone comprehended more than half, and the last only one. Thus the least numerous Class in terms of men had the most centuries, and the last entire class counted only for one subdivision, although it alone contained more than half the inhabitants of Rome.

In order that it might be more difficult for the people to fathom the consequences of this last arrangement, Servius affected giving it a military air. In the second class, he inserted two centuries of armourers and in the fourth two of makers of instruments of war. In each Class, except the last, he distinguished the young from the old, that is to say, those who were obligated to bear arms from those whose age exempted them from it by law, a distinction which more than that of goods produced the necessity of often taking the *census* or count. Finally he wanted the assembly to be held in the Campus Martius and all those old enough to serve to come there with their arms.

The reason he did not follow the same division between young and old in the last class is that the populace of which it was composed was not given the honor of bearing arms for the fatherland. It was necessary to have hearths to obtain the right to defend them. There is perhaps not one of these innumerable troupes of beggars that distinguish the armies of Kings today who would not have been chased with disdain from a roman cohort when the soldiers were the defenders of freedom.

In this last class, however, the *proletarians* were also distinguished from those who were called the *capite censi*. The former, not completely reduced to nothing, at least gave Citizens to the State, sometimes, when

needs were pressing, even soldiers. Those who had nothing at all and could only be counted by their heads were regarded as complete non-entities, and Marius was the first who condescended to enroll them.

Without here deciding whether this third division was good or bad in itself, I think I can affirm that only the simple “moeurs” of the first Romans, their disinterestedness, their preference for agriculture, their scorn for commerce and for the ardor of gain, made it practicable. Where is the modern people among whom devouring greed, the unquiet spirit, intrigue, continual movement, perpetual reversals of fortunes could allow such an establishment to endure twenty years without turning the whole State upside down? It must also be carefully noted that “moeurs” and the censorship corrected vice in Rome more effectively than this institution, and a rich man could see himself relegated to the class of the poor for making too great a display of his riches.

From all this it can be easily understood why there is almost never any mention of but five classes, while there were really six. The sixth, furnishing neither soldiers to the army nor votes on the Campus Martius* and being of almost no use in the Republic, was rarely counted for anything.

These were the different divisions of the Roman people. Let us now see the effect they produced in the assemblies. These legitimately convoked assemblies were called *Comitia*. They were ordinarily held in the square of Rome or the Campus Martius and were distinguished as comitia by Curiae, Comitia by Centuries and Comitia by Tribes, according to which of the three forms they were ordered under: the comitia by Curiae were the institution of Romulus, those by Centuries of Servius, those by Tribes of the Tribunes of the people. No law received approval, no magistrate was elected but in the Comitia, and as there was no Citizen who was not enrolled in a Curia, in a Century, or in a Tribe, it followed that no Citizen was excluded from the right to vote, and that the Roman People were truly Sovereign in right and in fact.

For the Comitia to be legitimately assembled and for what they did to have force of law, three conditions were necessary. First, the body or the Magistrate who convoked them had to be vested with the necessary authority for that. Second, the assembly had to be on one of the days permitted by law. Third, the auguries had to be favorable.

The reason for the first regulation needs no explanation. The second is

*I say *Campus Martius* because it was there that the Comitia assembled by centuries; in the two other forms, the people assembled in the *forum* or elsewhere, and then the *Capite censi* had as much influence and authority as the first Citizens.

a matter of policy, thus it was not permitted to hold the Comitia on Festival or market days when the country people coming to Rome for their business did not have time to spend the day in the public square. By the third, the Senate held in check a proud and restless people and appropriately tempered the ardor of seditious Tribunes, but the Tribunes found more than one way of getting around this hindrance.

The Laws and the election of rulers were not the only matters submitted to the judgment of the Comitia. The roman people having usurped the most important functions of the Government, it can be said that the fate of Europe was determined in their assemblies. This variety of objects gave rise to the diverse forms that these assemblies took, according to the matters which had to be decided.

To judge these different forms, it suffices to compare them. Romulus in instituting the Curiae intended to contain the Senate by the people and the People by the Senate, while equally dominating everyone. Therefore, by this form he gave the people all the authority of number to balance the authority of power and riches which he left to the Patricians. But in accordance with the spirit of Monarchy, he left, however, greater advantage to the Patricians by the influence of their Clients on the plurality of votes. This admirable institution of Patrons and Clients was a masterpiece of politics and humanity, without which the Patriciate, so contrary to the spirit of the Republic, could not endure. Rome alone had the honor of giving the world this noble example, from which no abuse ever resulted and which has never yet been followed.

This same form of Curiae having endured under the Kings until Servius, and the reign of the last Tarquin not being counted as legitimate, this caused royal laws to be generally distinguished by the name *leges curiatae*.

Under the Republic, the Curiae, always limited to the four urban Tribes and not containing more than the populace of Rome, were unable to please either the Senate which led the Patricians, or the Tribunes who, although plebians, led the Citizens of leisure. They fell, therefore, into discredit and their degradation was such that their thirty assembled Lictors did what the comitia Curiae should have done.

The division by Centuries was so favorable to the Aristocracy that one at first does not see why the Senate did not always prevail in the Comitia which bore that name, which elected the Consuls, the Censors and the other curule Magistrates. In fact, of the hundred-ninety-three centuries that formed the six Classes of all the roman People, the first Class comprehended ninety eight, and the votes being counted only by

Centuries, this single First Class prevailed in number of votes over all the others. When all its Centuries were in agreement, counting the votes was discontinued; what the smallest number had decided passed for a decision of the multitude, and it could be said that in the Comitia by Centuries affairs were regulated by a plurality of coins much more than by a plurality of votes.

But this extreme authority was tempered by two means. First, because ordinarily the Tribunes, and always a great number of Plebians were in the class of the rich, the influence of the Patricians in this first class was balanced.

The second means consisted in this: instead of first having the Centuries vote according to their order, which would have always meant beginning with the first, one was selected by lot, and that one* alone proceeded to the election; after which all the Centuries were called on another day according to their rank and repeated the same election and ordinarily confirmed it. Thus the authority of example was separated from rank and given by lot in accordance with the principle of Democracy.

This custom had yet another advantage. The Citizens of the countryside had the time between the two elections to inform themselves of the merit of the provisionally named Candidate, so that they did not vote in ignorance. But using the need for speed as an excuse, this custom was finally abolished, and the two elections were held the same day.

The Comitia by Tribes were, strictly speaking, the Council of the roman people. They were only convoked by the Tribunes; the Tribunes were elected there and there passed their plebiscites. Not only did the Senate have no rank there, it did not even have the right to attend, and forced to obey laws on which they had not been able to vote, the Senators in this respect were less free than the least Citizens. This injustice was altogether ill conceived, and was alone enough to invalidate the decrees of a body to which all of its members were not admitted. Had all the Patricians attended these Comitia in accordance with the right they possessed as Citizens, as ordinary individuals, they would have had hardly any influence in the form of voting which counted by heads, in which the most insignificant proletarian would count as much as the Prince of the Senate.

Therefore, it is seen that besides the order that resulted from these

*This century so selected by lot was called *prae rogativa*, because it was the first whose vote was asked, and it is from this that the word *prerogative* has come.

various methods of collecting the votes of so large a People, these methods were not mere forms without consequences, but each had effects related to the objectives which caused it to be preferred.

Without entering further into lengthy details, from the preceding clarifications it emerges that the *Comitia* by Tribes were the most favorable to popular Government, and the *Comitia* by Centuries to Aristocracy. In regard to *Comitia* by *Curiae* where the populace of Rome alone formed the plurality, as these *Comitia* only tended to encourage tyranny and evil schemes, they continued to fall into disrepute, the seditious themselves eschewing a means which so openly revealed their projects. It is certain that the whole majesty of the Roman People was only found in the *Comitia* by Centuries which alone were complete, while the *Comitia* by *Curiae* lacked the rural Tribes and the *Comitia* by Tribes lacked the Senate and the Patricians.

As for the manner of collecting the votes, among the first Romans it was as simple as their "moeurs," though less simple than in Sparta. Each gave his vote aloud; a Clerk wrote them down; a plurality of voices in each Tribe determined the vote of the Tribe; a plurality of voices among the Tribes determined the vote of the people, and the same was done in the *Curiae* and Centuries. This custom was good as long as honesty reigned among the Citizens and each was ashamed to give his vote publically to an unjust opinion or unworthy subject. But when the people became corrupt and their votes could be bought, it was fitting that votes be given in secret so that buyers might be restrained by distrust and rogues furnished with the means of not being traitors.

I know that Cicero condemns this change and attributes to it in part the ruin of the Republic.⁵⁸ But although I feel the weight that the authority of Cicero must have here, I do not share his opinion. I think, on the contrary, if enough similar changes had not been made, the decline of the State would have been accelerated. As the regimen for healthy men does not suit the sick, it is not appropriate to wish to govern a corrupt people by the same laws that are suited to a good people. Nothing proves this maxim better than the longevity of the Republic of Venice, of which a simulacrum still exists, solely because its laws suit only wicked men.

Therefore the Citizens were given tablets with which each could vote without anyone knowing what his opinion was. New methods were also established for collecting the tablets, for counting the votes, for comparing the numbers, etc. All this did not prevent the fidelity of the officers charged with these functions* often being suspected. Finally, to

*Custodes, Diribitores, Rogatores suffragiorum.

prevent intrigue and trafficking in votes, Edicts were issued whose great number shows their uselessness.

In later times, it was often necessary to recur to extraordinary expedients to compensate for the insufficiency of the laws. Sometimes miracles were counterfeited, but this ploy which might deceive the people could not deceive those who governed. Sometimes an assembly was suddenly convened before the Candidates had had time to carry out their intrigues. Sometimes a whole session was consumed by talk when the people were seen to be won-over and ready to make a bad decision. But finally ambition eluded everything; and what is incredible is that in the midst of so many abuses, this immense people, thanks to their ancient regulations, did not cease to elect Magistrates, to pass laws, to judge cases, to expedite private and public affairs, with almost as much facility as the Senate itself had been able to do.

CHAPTER V

Of the Tribune

When an exact proportion cannot be established between the constitutive parts of the State, or when inexorable causes constantly alter the relations among them, then a particular magistracy is instituted which is not incorporated into the others, which puts each element back into its true relation, and forms a link or middle term between the Prince and the People, or between the Prince and the Sovereign, or, if necessary, both at once.

This body, which I will call the Tribune, is the preserver of the laws and of the legislative power. It serves sometimes to protect the Sovereign against the Government, as the Tribunes of the people did in Rome, sometimes to sustain the Government against the People, as the council of Ten does now in Venice, and sometimes to maintain the equilibrium between one part and another, as the Ephors did in Sparta.

The Tribune is not a constitutive part of the City and should not have any portion of the legislative or executive power, but it is this that makes its own power even greater, because being unable to do anything, it can prevent everything. It is more sacred and revered as defender of the Laws than the Prince who executes them and the Sovereign who makes them. This is what was clearly seen in Rome when these Proud Patricians, who

always scorned the people as a whole, were forced to bow before a simple officer of the people, who had neither auspices nor jurisdiction.

The Tribunate when wisely tempered is the most solid support of a good constitution, but if it has a little too much force, it overthrows everything. Weakness is not part of its nature, and if it exists at all, it is never less than is needed.

It degenerates into tyranny when it usurps the executive power of which it is only the moderator, and when it seeks to administer the laws which it should only protect. The enormous power of the Ephors which was not a danger as long as Sparta preserved its "moeurs," accelerated corruption once corruption began. The blood of Agis, slaughtered by these tyrants, was avenged by his successor. The crime and the punishment of the Ephors both hastened the decline of the Republic, and after Cleomenes Sparta was no longer anything. Rome also perished in the same way, and the excessive power of the Tribunes having been gradually usurped finally served, with the help of laws made for freedom, as protection for the Emperors who destroyed freedom. As for the Council of Ten in Venice, it is a bloody tribunal, terrible both to the Patricians and to the People, which, far from loftily protecting the laws, now that they have been degraded, only strikes blows in the shadows, blows which no one dares notice.

Like the Government, the Tribunate weakened itself by the multiplication of its members. When the Tribunes of the roman people, first two in number, then five, wanted to double this number, the Senate let them do so, confident of containing one by the other, which did not fail to happen.

The best means of preventing usurpations by such a formidable body, a means which no Government has yet used, would be not to make this body permanent, but to prescribe the intervals during which it would remain suspended. These intervals which should not be long enough to allow abuses to grow strong, can be fixed by law in such a way that it would be easy to abrogate them in time of need by extraordinary commissions.

This means seems to me without inconvenience, because, as I have said, the Tribunate, not being part of the constitution, can be removed without the constitution suffering. This appears efficacious to me, because a newly established magistrate does not begin with the power of his predecessor but with that which the law gives him.

CHAPTER VI

Of the Dictatorship

The inflexibility of laws which prevents them from bending to events can in certain cases render them pernicious and in a crisis cause the downfall of the State. The order and slowness of legal formalities require a measure of time that circumstances sometimes refuse. A thousand cases can arise for which the Legislator has made no provision, and it is a requisite of foresight to sense that not all can be foreseen.

It is therefore advisable not to strengthen political institutions to the point of being deprived of the power to suspend their operation. Sparta itself allowed its laws to sleep.

But only the greatest dangers can balance that of changing the public order, and the sacred power of the laws should never be arrested except when it is a matter of the safety of the fatherland. In those rare and obvious cases, the public security is provided by a particular act which entrusts the most deserving with it. This commission can be given in two ways depending on the kind of danger.

If increasing the activity of the government is a sufficient remedy, the government is concentrated in one or two of its members. Thus the authority of the laws is not altered but only the form of their administration. But if the peril is such that the machinery of the laws is an obstacle to preservation, then a supreme ruler is named who silences all the laws and suspends for a moment the Sovereign authority. In such a case, the general will is not in doubt, and it is evident that the first intention of the people is that the State not perish. Thus, the suspension of the legislative authority does not abolish it. The magistrate who silences it cannot make it speak. He dominates it without being able to take its place. He can do anything except make laws.

The first means was employed by the Roman Senate when it charged the Consuls by a consecrated formula to provide for the safety of the Republic. The second occurred when one of the two Consuls named a Dictator.* Alba provided Rome with the example of this custom.

At the beginning of the Republic recourse was very often had to the Dictatorship, because the State had as yet no sufficiently fixed basis to be able to sustain itself by the force of its constitution. Then "moeurs"

*This nomination was done at night and in secret, as if it were shameful to put a man above the laws.

rendering superfluous many of the precautions which had been necessary in another time, it was not feared that a Dictator would abuse his authority, or that he would try to keep it beyond his term. It seemed, on the contrary, that so great a power was a burden to him invested with it, so that he hastened to disencumber himself of it, as if taking the place of the laws had been too troublesome and perilous a post!

Thus in early times, it is not the danger of abuse but of its depreciation which condemns the indiscriminate use of this supreme magistracy. For when it was squandered on Elections, Dedications, and purely formal occasions, it was to be feared that it would become less formidable in times of need, and that it would become customary to regard as an empty title what was used only at empty ceremonies.

Towards the end of the Republic, the Romans, having become more circumspect, were sparing in the use of the Dictatorship as unreasonably as they had been prodigal before. It was easy to see that their fear was badly founded, that the weakness of the capital was then its security against the Magistrates which were in its midst, that a Dictator could in certain cases defend the public liberty without ever being able to attack it, and that the chains of Rome would not be forged in Rome itself but in its armies. The weak resistance offered by Marius to Sulla and by Pompey to Caesar, clearly showed what could be expected from authority within against force from without.

This error led them to make great mistakes, for example, that of not having named a Dictator in the Catiline affair, for as it was only an internal affair of the town, and at most, of a certain province in Italy, the Dictator with the limitless authority that the laws gave him could easily have crushed the conspiracy, which was suppressed only by the happy coincidence of chances which human prudence should have never expected.

Instead, the Senate was content to transfer all its power to the Consuls, so that Cicero, in order to act effectively, was compelled to exceed this power on a crucial point, and if the first transports of joy signaled approval of his conduct, it was with justice that afterwards he was required to account for the blood of Citizens spilled contrary to the laws, a reproach which could not be levelled at a Dictator. But the eloquence of the Consul carried everything before it, and he himself, though a Roman, preferred his glory to his fatherland and sought not so much the most legitimate and certain means to save the State as to garner all the honor from this affair.* Thus was he justly honored as the liberator of Rome

*This is what he could not have been sure of in proposing a Dictator, not daring

and justly punished as a law breaker. However splendid his recall may have been, it is certain that it was a pardon.⁵⁹

Moreover, in whatever way this important commission was conferred, it is important that its duration be fixed for a very short term which may never be prolonged. In the crises that cause it to be established, the State is soon destroyed or saved, and, after the pressing need, the Dictatorship becomes tyrannical or useless. In Rome, Dictators served for only six months, and most of them abdicated before the expiration of this term. If the term had been longer, perhaps they would have been tempted to prolong it, as the Decimvirs did their one year term. The Dictator had time only to provide for the need that brought about his election; he did not have time to dream up other projects.

CHAPTER VII

Of the Censorship

Just as the declaration of the general will is made by the law, the declaration of public judgment is made by the censorship. Public opinion is the kind of law of which the Censor is the Minister, which he applies only to particular cases, like the Prince.

Therefore, far from the censorial tribunal being the arbiter of the opinion of the people, it is only the declarer of it, and as soon as it separates itself from it, its decisions are empty and without effect.

It is useless to distinguish the “moeurs” of a nation from the objects of its esteem, for both derive from the same principle and are necessarily confounded. Among all the peoples of the world, it is not nature but opinion which dictates the choice of their pleasures. Reform the opinions of men and their “moeurs” will purify themselves. One always loves what is beautiful or what one finds so, but in this judgment one is mistaken. Therefore it is a matter of regulating this judgment. Whoever judges “moeurs” judges what is honored, and he who judges what is honored takes his law from opinion.

The opinions of a people arise from its constitution. Although the law does not regulate “moeurs,” it is legislation which causes them to arise. When legislation becomes weak, “moeurs” degenerate, but then the

to name himself and not being sure that his colleague would name him.

judgment of the Censors will achieve what the force of the laws has not achieved.

It follows from this that the Censorship can be useful for preserving “moeurs,” but never for reestablishing them. Establish Censors when the laws are vigorous; as soon as they have lost their vigor everything is hopeless; nothing legitimate any longer has force when the laws no longer have it.

The Censorship maintains “moeurs” by preventing opinions from becoming corrupt, by preserving their rectitude by wise applications, sometimes even by fixing them when they are still uncertain. The use of seconds in duels, carried to wild extremes in the Kingdom of France, was there abolished by these few words of an Edict of the King: *as for those who are cowardly enough to call upon Seconds*. This judgment anticipating that of the public, suddenly determined it. But when the same Edicts wanted to proclaim that it was also cowardice to fight duels, which is quite true, but contrary to common opinion, the public ridiculed this decision on which it had already passed judgment.

I have said elsewhere* that because public opinion is not subject to constraint, no vestige of constraint is necessary in the tribunal established to represent public opinion. It is impossible to have too much admiration for the artful use of this resource among the Romans and even better among the Lacedaemonians, but entirely lost among the moderns.

A man of bad “moeurs” having presented a good proposal in the council of Sparta, the Ephors ignored it and had the same proposal brought forward by a virtuous Citizen. What honor for the one, what disgrace for the other, without praising or blaming either of the two! Certain drunkards from Samos** polluted the Tribunal of the Ephors. The next day a public Edict permitted the Samians to be filthy. A real punishment would have been less severe than such an impunity.⁶¹ When Sparta had pronounced on what was or was not honest, Greece did not appeal its judgments.

*In this Chapter, I only indicate what I have treated at greater length in the letter to M. d’Alembert.⁶⁰

**They were from another Island, but the delicacy of our language forbids naming it here.⁶²

CHAPTER VIII

Of the Civil Religion

At first, men had no other Kings but the Gods, no other Government but Theocracy. They reasoned like Caligula, and, at that time, they reasoned rightly. Sentiments and ideas must undergo a long series of changes before men could convince themselves to take one of their own as master, and to flatter themselves that they would be well off.

From this fact alone, that a God was placed at the head of each political society, it follows that there were as many Gods as peoples. Two peoples, strangers to each other and almost always enemies, could not for a long time recognize the same master; two armies waging battle could not obey the same ruler. Thus polytheism arose from national divisions, and from this arose theological and civil intolerance which are naturally the same, as will be explained later.

The fantasy that the Greeks had of rediscovering their Gods among barbarian peoples came from the fantasy that they also had of regarding themselves as the natural Sovereigns of these peoples. But in our days, it is a very ridiculous kind of scholarship that concerns itself with the identity of the Gods of various nations, as if the Baal of the Phoenicians, the Zeus of the Greeks and the Jupiter of the Latins could be the same, as if there could be something common among chimerical Beings with different names!

But if it were asked why paganism did not give rise to wars of Religion when each State had its own worship and Gods, I would answer that it was due to this very fact of each State having its own worship as well as its own Government, that it did not distinguish its Gods from its laws. Political war was also theological. The provinces of the Gods were, so to speak, fixed by the borders of Nations. The God of one people had no right over other peoples. The Gods of the Pagans were not jealous Gods. They divided among themselves the empire of the world. Even Moses and the Hebrew People sometimes lent themselves to this idea in speaking of the God of Israel. It is true that they regarded as nothing the Gods of the Canaanites, a proscribed people, condemned to destruction, whose place they were to occupy. But see how they spoke of the divinities of neighboring peoples whom they were forbidden to attack! *The possession of what belongs to your God Chamos*, said Jephthah to the Ammonites, *is this not legitimately your due? We possess by the same title the lands*

*that our conquering God has acquired.** It seems to me that there was a well-recognized parity between the rights of Chamos and those of the God of Israel.

But when the Jews, subject to the Kings of Babylon, and subsequently to the Kings of Syria, wanted to persist in not recognizing any other God but their own, this refusal, regarded as a rebellion against the conqueror, drew upon them the persecutions that one reads of in their history, and of which there is no other example before Christianity.**

Each Religion being, therefore, exclusively attached to the laws of the State which prescribed it, there was no other way of converting a people but to enslave it, no other missionaries but conquerors, and the obligation to change worships being the law for the conquered, it was necessary to begin by conquering before speaking of it. Far from men fighting for the Gods, it was, as in Homer, the Gods who fought for men; each asked victory from his own, and paid for victory with new altars. The Romans before taking over a place, summoned its Gods to leave. When the Romans left the Tarentines their angry Gods, they then regarded these Gods as subject to their own and forced to pay homage to them. They left the conquered their Gods as they left them their laws. A crown for the Capitoline Jupiter was often the only tribute that they imposed.

Finally, the Romans extended their worship and their Gods with their empire, and often themselves adopted those of the conquered in according to one and all the right of the City. Thus the peoples of this vast empire gradually found themselves to have multitudes of Gods and worships which were nearly the same everywhere. And this is how paganism throughout the known world finally became a single and same Religion.

It was in these circumstances that Jesus came to establish on earth a Spiritual Kingdom, which, separating the theological system from the political system, brought the unity of the State to an end, and caused internal divisions which have not ceased to agitate christian peoples. As this new idea of an other-worldly kingdom could never have crossed the

**Nonne ea quae possidet Chamos deus tuus tibi jure debentur?*⁶³ This is the text of the vulgate. Father de Carrieres has translated: *Do you think that you have the right to possess what belongs to your God Chamos?* I do not know the force of the hebrew text, but I see that in the vulgate Jephthah positively recognizes the right of the God Chamos, and that the French Translator weakened this recognition by an *according to you* not in the Latin.⁶⁴

**It is clear beyond doubt that the war of the Phoenicians called the holy war was not a war of Religion. Its object was to punish sacrileges and not to subjugate unbelievers.

mind of pagans, they always regarded the Christians as true rebels who, under a hypocritical submission, searched only for the opportunity to make themselves independent and masters and cunningly to usurp the authority which they feigned to respect in their weakness. This was the cause of the persecutions.

What the pagans feared came to pass. Then there was an about face: the humble Christians changed their way of speaking, and soon this so-called other-worldly kingdom was seen to become, under a visible ruler, the most violent despotism in this world.

However, as there was still a Prince and civil laws, a perpetual conflict of jurisdiction resulted from this dual power, making any good polity^{64a} impossible in christian States, making it impossible to know finally whether one was obligated to obey the master or the priest.

Several peoples, however, even in Europe or its vicinity, wanted to preserve or reestablish the ancient system, but without success: the spirit of christianity was completely victorious. The sacred worship has always remained or become independent of the Sovereign and lacks the necessary tie with the body of the State. Mohammed had very sound views, and unified his political system well, and as long as his form of Government endured under the Caliphs who succeeded him, this Government was indeed unified, and was good to that extent. But the Arabs, having become flourishing, lettered, polite, soft and cowardly, were subjugated by the barbarians; then the division between the two powers began again, although it is less apparent among the mohammedans than among the Christians, it nonetheless is there, especially in the sect of Ali, and there are States, such as Persia, where it still makes itself felt.

Among us, the Kings of England have established themselves as rulers of the Church, as have the Czars, but by this title they are rendered less its masters than its Ministers; they have gained not so much the right to change it as the power to maintain it. They are not its legislators but only its Princes. Wherever the Clergy is a body,* it is master and legislator in its fatherland. There are therefore two powers, two Sovereigns in England and Russia, just as elsewhere.

*It must be noticed that it is not so much formal assemblies, like those of France, which unite the clergy into a body, but the communion of Churches. Communion and ex-communication are the social compact of the clergy, a compact with which it will always be the master of peoples and Kings. All the priests who share communion are fellow citizens, even if they are from the two ends of the world. This invention is a masterpiece of politics. There was nothing similar among the pagan Priests, who therefore never constituted a body of Clergy.

Of all the Christian Authors, the philosopher Hobbes is the only one who has accurately seen the evil and the remedy, who has dared to propose the reuniting of the two heads of the eagle, and above all to restore political unity without which neither State nor Government will ever be well constituted. But he should have seen that the dominating spirit of Christianity was incompatible with his system, and that the interest of the Priest would always be stronger than that of the State. It is not so much what is terrible and false in his politics as what is just and true that rendered him odious.*

I believe that by developing the historical facts from this point of view, the opposing sentiments of Bayle and Warburton⁶⁵ would be easily refuted, the first of whom pretends that no Religion is useful to the body politic, and the other holds, to the contrary, that Christianity is its most firm support. First, it could be proved that a State was never founded without Religion serving as the base, and second that the Christian law is at bottom more harmful than useful to the strong constitution of the State. In order to make myself understood, it is only necessary to give a little more precision to quite vague Religious ideas, as they are relevant to my subject.

Considered in relation to society, which is either general or particular, Religion can also be divided into two kinds, i.e. the religion of man and the Religion of the Citizen. The first, without Temples, altars, rites, limited to a purely interior worship of the Supreme God and to the eternal duties of morality, is the pure and simple Religion of the Gospel, the True Theism, and what can be called the divine natural right. The other, set down in a single country, gives the country its Gods, its own Patrons and tutelaries. It has its dogmas, its rites, its external worship prescribed laws. Outside the single Nation which subscribes to it, everything is infidel, foreign, barbaric. It extends the duties and the rights of man only as far as its altars. Such were all the Religions of the earliest peoples, to which the name of divine civil or positive right can be given.

There is a third more bizarre kind of Religion, which gives men two legislations, two rulers, two fatherlands, subjects them to contradictory duties, and prevents them from being able to be at once devout and Citizens. Such is the Religion of the Lamas, that of the Japanese, that of Roman christianity. This can be called the religion of the Priest. It results

*See, among other things, in a Letter of Grotius to his brother, April 11, 1643, what this learned man approves and what he blames in the book, *de Cive*. It is true that, carried away by kindness, he appears to pardon the bad things the author says because of the good things he says; but not everyone is so merciful.

in a kind of mixed right hostile to society and has no name.

Considered politically, all these three kinds of religion have their defects. The third is so evidently bad that it is a waste of time to amuse oneself demonstrating it. Anything that breaks up social unity is worth nothing. All the institutions which put man in contradiction with himself are worth nothing.

The second is good in that it unites divine worship and love of the laws, and by making the fatherland the object of the Citizens' adoration, it teaches them that to serve the State is to serve the tutelary God. It is a kind of theocracy, in which there should be no other pontiff than the Prince, no other priests than the magistrates. Then dying for one's country is to be martyred, to violate its laws is to be impious, and to expose someone who is guilty to public execration is to deliver him to the wrath of the Gods: *sacer est od.*⁶⁶

But it is bad in that being founded on error and lies it deceives men, makes them credulous, superstitious, and drowns the true worship of the divinity in an empty ceremony. It is also bad when, becoming exclusive and tyrannical, it makes a people blood thirsty and intolerant, so that it breathes only murder and massacre, and thinks that it does a holy action in killing whoever does not acknowledge its Gods. This puts such a people in a natural state of war with all others, which is very harmful to its own security.

There remain then the Religion of man or Christianity, not that of today but that of the Gospel which is completely different. By this holy, sublime, true Religion, men, children of the same God, recognize one another as brothers, and the society that unifies them does not dissolve even at death.

But this Religion having no particular relation to the body politic, leaves to the laws all the force which the laws derive from themselves, without adding any other force to them, and thus, one of the great bonds of the particular society remains without effect. Furthermore, far from attaching the hearts of the Citizens to the State, it detaches them from it, as from all earthly things. I know nothing more contrary to the social spirit.

We are told that a people of true Christians would form the most perfect society that can be imagined. I see in this supposition only one great difficulty, that a society of true christians would no longer be a society of men.

I also say that this supposed society in all its perfection would be neither the strongest nor the most durable. By being perfect, it would lack

cohesion; its destructive vice would lie in its very perfection.

Each would fulfill his duty; the people would be subject to the laws; the rulers would be just and moderate; the magistrates upright and incorruptible; the soldiers would scorn death; there would be neither vanity nor luxury. All that is very good, but let us look farther.

Christianity is a completely spiritual Religion, solely occupied with things of Heaven. The fatherland of the Christian is not of this world. He does his duty, it is true, but he does it with a profound indifference to the success or failure of his enterprises. Provided that he has nothing with which to reproach himself, it is of little importance to him whether all goes well or badly here below. If the State is flourishing, he hardly dares enjoy the public felicity; he fears becoming proud of his country's glory. If the State is declining, he blesses the hand of God which weighs heavily on his people.

For the society to be peaceful and for harmony to be maintained, it would be necessary for all the Citizens without exception to be equally good Christians. But if unhappily there were there one ambitious man, one hypocrite, one Catiline, for example, one Cromwell, such a man will most assuredly get the better of his pious compatriots. Christian charity does not easily allow one to think evil of his neighbors. But if he has discovered the cunning art of deceiving them and of seizing a part of the public authority, behold a man invested with dignity; and God wants him to be respected. Soon, behold he is a man of power; God wants him to be obeyed. Does this depository of power abuse it? Then it is the rod with which God punishes his children. It goes against the conscience to chase the usurper out; it would require disturbing the public tranquility, using violence, spilling blood. All this accords poorly with Christian mildness. And after all, of what importance is being free or a serf in the vale of tears? What is most important is going to paradise, and resignation is only one more means to it.

If some foreign war were to occur? The Citizens march without reluctance into combat. None of them dreams of fleeing. They do their duty, but without passion for victory. They know rather how to die than how to conquer. What does it matter if they are conquerors or conquered? Does not providence know better than they what they deserve? Imagine what advantage a proud, impetuous, passionate enemy could draw from their stoicism! Confront them with those generous peoples who are devoured by ardent love of glory and of the fatherland; imagine your christian republic face to face with Sparta or Rome; the pious christians will be beaten, crushed, destroyed before having had the

time to find out where they are, or will owe their safety only to the scorn that their enemy will conceive for them. To my mind, it was a noble oath that the soldiers of Fabius swore. They did not swear to die or conquer; they swore to return conquerors, and held to their oath. Christians would never do likewise; they would have thought they were tempting God.

But I am mistaken in speaking of a Christian Republic; these two words are mutually exclusive. Christianity preaches only servitude and dependence. Its spirit is too favorable to tyranny for it not to benefit from it always. True Christians are made to be slaves; they know it and hardly care; this short life is worth too little in their eyes.

Christian troupes are excellent, we are told. I deny it. Who can show them to me? As for me, I know of no christian Troupes. The crusades are cited. Without disputing the valor of the Crusaders, I will remark that very far from being Christians, they were the soldiers of the priest, the Citizens of the Church. They fought for its Spiritual country, which had been made temporal, no one knows how. To understand this well means going back to paganism. As the Gospel did not establish a national Religion, all holy war is impossible among Christians.

Under the pagan Emperors, Christian soldiers were brave; all the Christian Authors affirm it and I believe it. It was a rivalry for honor against the pagan Troupes. When the Emperors were christian, this rivalry no longer existed, and when the cross had driven the eagle away, all roman valor disappeared.

But leaving aside political considerations, let us come back to right, and determine the principles on this important point. The right that the social compact gives to the Sovereign over the subjects does not go beyond, as I have said, the limits of public utility.* The subjects then owe an account of their opinions to the Sovereign only to the extent that these opinions are important to the community. Now it is very important to the State that each Citizen have a Religion which makes him love his duties. But the dogmas of this Religion are not of interest to the State or its members except as these dogmas relate to morality and to the duties towards others which whoever professes this Religion is bound to fulfill. Each may hold in addition whatever opinions please him, without its

**In the Republic, says M. d'A.,⁶⁷ each is perfectly free in what does not harm others. This is the invariable limitation; it could not be more exactly posited. I have not been able to deny myself the pleasure of quoting this manuscript several times, although it is unknown to the public, in order to do honor to the memory of an illustrious and respectable man, who had preserved, even in the Ministry, the heart of a true citizen, and views on the government of his country that were right and healthy.*

being the Sovereign's business to take cognizance of them. For as he has no competence in the other world, whatever may be the lot of the subjects in the life to come, this is not his business, provided that they are good citizens in this life.

There is then a purely civil profession of faith, and it is the Sovereign's responsibility to determine its articles which are not exactly dogmas of Religion but social sentiments, without which it is impossible to be a good Citizen or a faithful subject.* Without being able to obligate anyone to believe them, whoever does not believe them may be banished from the State, banished not as impious, but as unsociable, as incapable of sincerely loving the laws, justice, and of sacrificing, when needed, his life to his duty. If anyone, after having publicly recognized these dogmas, acts as if he does not believe them, then he should be punished with death. He has committed the greatest of crimes: he has lied before the laws.

The dogmas of the civil Religion ought to be simple, few in number, expressed with precision without explanations or commentaries. The existence of the powerful, intelligent, beneficent Divinity that foresees and provides, the life to come, the happiness of the just, the punishment of the wicked, the sanctity of the social Contract and of the laws, these are the positive dogmas. As for negative dogmas, I limit them to one, intolerance, which is a part of the forms of worship we have rejected.

Those who distinguish civil intolerance and theological intolerance are mistaken, to my mind. These two forms of intolerance are inseparable. It is impossible to live in peace with people who one thinks are damned; to love them would be to hate God who punishes them; it is absolutely necessary to reform them or torment them. Wherever theological intolerance is allowed, it is impossible that it not have some civil effect,** and as soon as it has it, the Sovereign is no longer Sovereign, even in the temporal sphere. From that time on, the Priests are the true masters; Kings are only their officers.

Now that there is no longer, nor can there be, an exclusive Religion, all

*Caesar pleading for Catiline tried to establish the dogma of the mortality of the soul. Cato and Cicero in their refutation were not diverted by philosophizing. They were content to show that Caesar had spoken as a bad Citizen and had advanced a doctrine pernicious to the State. In fact, this was what the Senate of Rome had to judge, and not a question of theology.

**Marriage, for example, is a civil contract and has civil effects without which it is impossible for society even to exist. Suppose then that a Clergy reached the point of claiming for itself the sole right of permitting this act, a right which every intolerant religion must necessarily usurp. Then is it not clear that in making this authority of the Church supreme, it will undermine the authority of the Prince who will have only as many subjects as the Clergy is willing to grant him. With this

those should be tolerated which tolerate others, as long as their dogmas contain nothing contrary to the duties of the Citizen. But whoever dares say, *outside the Church, no salvation*, ought to be driven from the State, unless the State is the Church, and the Prince is the Pontiff. Such a dogma is only good in a theocratic Government; in every other it is pernicious. The reason that Henry IV is said to have embraced the roman Religion should make every honest man abandon it, and especially every Prince who knows how to reason.

CHAPTER IX

Conclusion

After having posited the true principles of political right and having tried to found the State on this basis, it would remain to support the State in terms of its external relations, which would include the right of peoples, commerce, the right of war and conquests, public right, leagues, negotiations, treaties, etc. But all this forms a new object too vast for my limited vision which I should always have fixed on objects nearer to myself.

End

authority to marry or not marry people according to whether they acknowledge this or that doctrine, according to whether they admit or reject this or that formula, according to their being more or less devout, is it not clear that the Clergy alone, acting prudently and holding firm, will dispose of inheritances, offices, Citizens, and the State itself, which could not exist being composed of nothing but bastards. But, someone will say, the abuse will be appealed, it can be delayed, decrees will issue, worldly goods will be seized. What a pity! If the Clergy has a little, I do not say courage, but good sense, it will leave things alone and let them go their own way. It will quietly allow appeals, delay, decrees, seizure to take place and will end up being master. It is not, it seems to me, a great sacrifice to abandon a part when one is certain to secure the whole.⁶⁸

FOOTNOTES

¹Virgil, *Aeneid*, Book XI, 321. Rousseau quotes the Latin.

²"L'homme est né libre, et par-tout il est dans les fers." This famous sentence may be translated "Man is born free, and everywhere he is in chains." In at least two other places in the *Social Contract* Rousseau refers to man's original free condition in the present tense. Book I, chapter IV, p. 5 *infra* and Book IV, chapter II, p. 76 *infra*.

³Hugo Grotius, *Of the Law of War and Peace*, Book I, Chapter III, sections 8 and 15.

⁴In the 1782 edition, the citation is: *Treatise on the Interests of France with Her Neighbors*, by M. le Marquis d'Argenson (printed by Rey in Amsterdam). This work is the most frequently cited in the *Social Contract*. See Rousseau's note to Book IV, chapter VIII, p. 99 *infra*. Also, Roger Masters, *The Political Philosophy of Rousseau* (Princeton, 1968), pp. 307-8, note 26.

⁵Philon (Philo Judaeus), *Legatio ad Gaium*. Rousseau probably read Philo in a 1668 translation by Arnauld d'Andilly.

⁶Aristotle, *Politics*, Book I, chapter II, 1252a and Book I, chapter V.

⁷Homer, *Odyssey*, Book IX.

⁸What Rousseau seems to mean is that since there is no *right* of the strongest, the use of the word "right" in this phrase must be ironical, although some set it down as a principle.

⁹Hugo Grotius, *Of the Law of War and Peace*; Book I, chapter III, section 8.

¹⁰Homer, *Odyssey*, Book IX.

¹¹Hugo Grotius, *Of the Law of War and Peace*, Book III, chapter VII, section 5. The others are probably Hobbes and Pufendorf. Thomas Hobbes, *De Cive*, chapter VIII, section 1. Samuel Pufendorf, *The Right of Nature and People*, Book VI, chapter III, section 6.

¹²The word translated polity is "politie," the closest French equivalent to the Greek "politeia" (see, e.g. Aristotle, *Politics*, Book IV, chapter 1, 1289 a 25.) Rousseau warned his publisher to pay attention to this word, "politie," and not allow it to be changed to "politique." (Letter of Dec. 23, 1761.)

¹³This note was added to the 1782 edition.

¹⁴Hugh Grotius, *Of the Law of War and Peace*, Book I, chapter III, section 8.

¹⁵*Encyclopédie*, volume VIII: "Geneva." This article was the occasion for Rousseau's *Letter to d'Alembert*. (Jean-Jacques Rousseau, *Politics and the Arts: Letter to M. d'Alembert on the Theater*, ed. Allan Bloom [Ithaca, 1968].)

¹⁶*Of the Law of War and Peace*. Jean Barbeyrac translated both Grotius and Pufendorf.

¹⁷See note 4, above.

¹⁸Rousseau quotes Machiavelli in Italian.

¹⁹"La chose publique" is here literally translated "the public thing." Rousseau is playing on the literal meaning of "res publica" (public things) from which the word republic is derived. He does it again in Book II, chapter XII, p. 37 *infra*.

²⁰*The Statesman*, 265d.

²¹*Considerations on the Causes of the Greatness of the Romans and Their Decline*, chapter 1. (ed. David Lowenthal [Ithaca, 1968], p. 25).

²²Rousseau quotes Machiavelli in Italian.

²³William Warburton, *The Divine Legation of Moses* (1737-41) and *The Alliance between Church and State* (1736).

²⁴The 1782 edition reads: "Most peoples. . . ."

²⁵The 1782 edition expands the first clause of this sentence: "Youth is not infancy. For nations as for men, a time of youth, or, if one wishes, of maturity must be obtained before submitting to laws. . . ."

²⁶See note 4, above.

²⁷Montesquieu, *The Spirit of the Laws*, e.g., Book XI, chapter V.

²⁸See note 19, above.

²⁹The mathematical terminology that follows is quite complex. For assistance see Marcel Francon, "Le langage mathématique de J.-J. Rousseau," (*Isis*, x1, 1949, pp. 341-4) and "Sur le langage algébrique de Rousseau" (*Annales*, xxxiii, 1953-5, pp. 243-6). Also, Roger Masters, *The Political Philosophy of Rousseau*, pp. 340-348.

³⁰Montesquieu, *The Spirit of the Laws*, Book III, chapter 3; Book V, chapter 2.

³¹This quotation is in Latin.

³²All are titles which mean old men.

³³Aristotle, *Politics*, Book III, chapter 9 and Book IV, chapters 10 and 11.

³⁴*Samuel* 8: 10-18.

^{34a} This note was added to the 1782 edition.

³⁵Plutarch, *Sayings of Kings* (*Moralia*; Loeb edition; volume iii, p. 31).

³⁶The quotation from Tacitus is in Latin.

³⁷*The Statesman*.

³⁸*The Spirit of the Laws*, e.g., Books XIV and XVII.

³⁹See note 12, above.

⁴⁰Chardin, *Voyages in Persia* (4 volumes, 1735), volume 2, pp. 76, 83-4.

⁴¹Tacitus, *Agricola*, xxi. Quoted in Latin.

⁴²Tacitus, *Agricola*, xxx. Quoted in Latin.

⁴³Preface, *History of Florence*.

⁴⁴"Closing of the Council."

⁴⁵Anonymous (1613).

⁴⁶*Discourses on Titus Livy*, Book I, chapter 4.

⁴⁷The 1782 edition reads: "temper and concentrate. . . ."

⁴⁸Cornelius Nepos, *De Viris Illustribus*, "Miltiades." Quoted in Latin.

⁴⁹Xenophon, *Hiero* in *On Tyranny*, Leo Strauss, [Glencoe, 1963].

⁵⁰Hugo Grotius, *Of the Law of War and Peace*, Book II, chapter V, paragraph 24.

⁵¹Bells were apparently tied around the necks of criminals in Berne. "La discipline" was the name of a prison in Geneva, where Rousseau says the Duc de Beaufort would have been put.

⁵²Tacitus, *Histories*, i, 85.

⁵³*Spirit of the Laws*, Book II, chapter 2.

⁵⁴Poor inhabitants of the St. Barnabas district in Venice.

⁵⁵Varro, *De re rustica*; III, i.

⁵⁶Pliny, *Naturalis Historia*, XVIII, iii.

⁵⁷I.e. tribes were no longer based on territory or possessions but persons.

⁵⁸*De Legibus*, iv, 5-17.

⁵⁹Cicero had been banished after the Catiline affair but was later recalled from exile.

⁶⁰See note 15, above.

⁶¹These two Spartan stories probably come from Plutarch, *Sayings of the Spartans* (*Moralia*, Loeb edition, iii, 405 and 339).

⁶²This note was added to the 1782 edition. Elsewhere Rousseau said "They were from Chios and not from Samos." He did not use "Chios" because "chio" is the Greek root of the French verb "chier" (to shit). See the note to this passage in *Oeuvres Complètes*, volume III, p. 1497.

⁶³*Judges*: 11:24.

⁶⁴According to Rousseau, the vulgate does not contain the weakened "Do you not think." This is the "according to you" that he accuses the translator of adding.

^{64a}See note 12, above.

⁶⁵Henri Bayle, *Various Thoughts on the Comet* (1680). See note 23, above.

⁶⁶The formula by which this delivery of a citizen to the gods was solemnized.

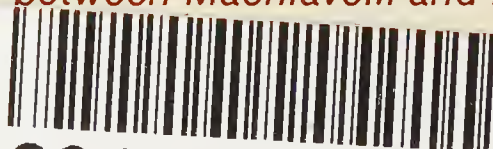
⁶⁷See note 4, above.

⁶⁸This note was added to the 1782 edition.

The major objective of Richard W. Crosby's new literal translation of the classic, *Of The Social Contract* by Jean-Jacques Rousseau, is to provide a source which places as few obstacles as possible between the modern reader and Rousseau. A major obstacle is a translator who thinks he knows what Rousseau means and therefore "helps" the reader by explaining under the guise of translating. Such temptation has been resisted so that the reader can have some assurance that the difficulties he encounters are those with which Rousseau meant to confront his "attentive reader."

About the Author

Richard W. Crosby received his BA from Amherst College and his Ph.D. from Cornell University. He has taught political philosophy at Emory University, Cornell University, the University of Rome, and is currently Assistant Professor of Political Science at Colgate University. His articles and reviews have appeared in *Polity*, *The Political Science Reviewer*, *The American Political Science Review*, and *The Occasional Review*. He has also translated (with John Waggoner) Maurice Joly's *Dialogue in Hell between Machiavelli and Montesquieu*.



0891390235

11/04/2017 10:03-3

22